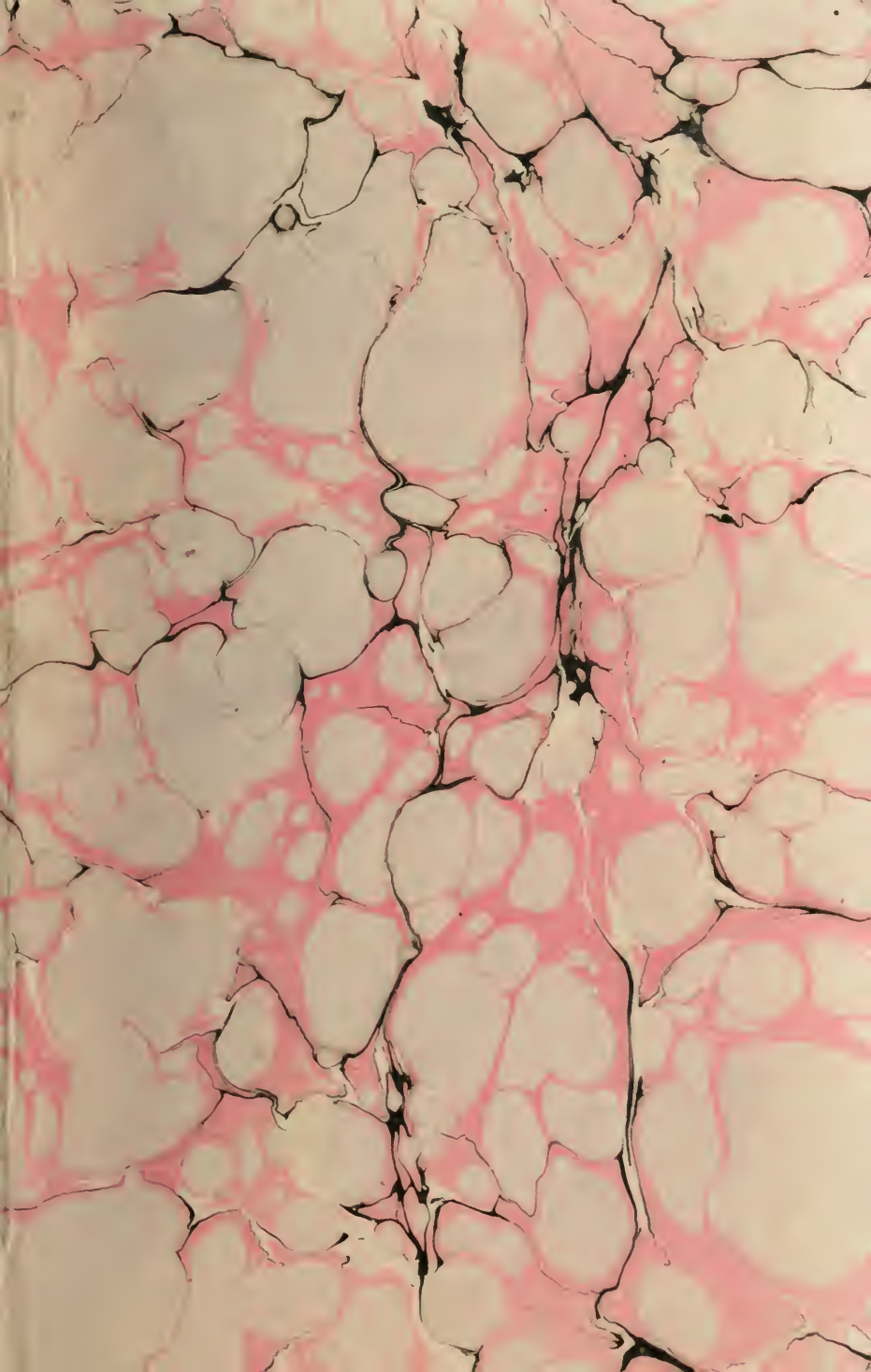




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ANGLIA REDIVIVA:

NO DEFENCE OF THE

ARISTOCRATIC PARTY,

BUT OF THE

KING AND PEOPLE,

MUTUALLY RESTORED TO

THEIR CONSTITUTIONAL ACTION,

W I T H

THE COUNTRY AT LARGE TO IT'S DIGNITY,

A N D T H E

BLESSINGS OF IT'S FREE GOVERNMENT,

BY A REFORM IN THE

REPRESENTATION AND DURATION

O F

P A R L I A M E N T.

————— NOTHING EXTENUATE,
NOR SET DOWN AUGHT IN MALICE.

Shakespeare's Othello.

L O N D O N,

Printed: and sold by T. CADELL, in the STRAND,

M D C C L X X I I.

AC 911. 1782. A53

C O N T E N T S.

C H A P. I.

The Constitution of England a subject of constant admiration—a jealousy for it natural in Englishmen—the Rights of the People, which form the House of Commons, original and unperishable—the Constitution not to be taken from the Revolution in 1688, which left abuses—Constitutional Principles naturally call for occasional adjustment—within certain limits, each constituent part of the State has a full right to call for modifications—Application to the subject of Parliamentary Representation—the History of the House of Commons for the last fourteen years; which gives impatience to the call for reform—but at any rate makes a candid discussion and enquiry indispensable—happy for England, the time now favorable to this; and the Minister.

C H A P. II.

A just Representation briefly stated—the gross defects and inequality of ours in the Electors—in the Elected—this branch of the Constitution quite defunct—an answer to the argument against Reform, that the Constitution has stood hitherto—neither Law nor Habits necessarily make the Constitution—the 8 Hen. 6. a breach of the Constitution;

stitution; this act discussed—boroughs hardly more defensible, but for their antiquity—a glorious patriotism in those that can give them up.

C H A P. III.

The PERNICIOUS CONSEQUENCES of an unequal Representation, in the nature of things.

Representatives of small local interests never think of being accountable—such are constant materials for Ministers to work with—a singular apology for Boroughs answered—the danger of an unequal Representation illustrated in a striking instance—others more to be dreaded equally possible.

C H A P. IV.

First Advantage that will result from a reformed Representation: ARISTOCRATIC PARTY annihilated.

The unnatural and disproportionate grasp of Power by the Nobility—but most inordinate in those who feel the spirit of Aristocratic connections—both to the sovereign authority—and also to the People—the views of Aristocracy favored by an unequal Representation; by Boroughs—more compleatly assisted by the Statute 8 Hen. VI. by which Counties became but larger Boroughs—property the foundation and genius of Aristocracy—Similitude between

tween the Aristocratic regulation of Election by Servius Tullus and the statute 8 Henry VI.—Aristocracy by these means knit into a Faction—and uniform in the means of preserving it's power—as professing patriotic principles, these bounded by an opposition to royal prerogative—the Patriotism expected by the People broader and more radical than this—the People constantly deserted by the Aristocratic Party on constitutional points—a tribute of respect to the private virtues of many who compose that Party—how a reform of the Representation will naturally annihilate it—such a Faction annihilated, every branch of character will feel a new Being—the Man of Abilities—the Minister—the Crown—the Country at large—answer to part of a late Speech at Westminster—and to similar matter in a Pamphlet, entitled, Thoughts on Discontents.

C H A P. V.

Second Advantage that will result from a reformed Representation: THE CROWN restored to its constitutional Action.

*The due Prerogatives of the Crown to be valued and cherished—the specific importance of the regal power—this underwent a revolution in 1688—Independence, the great original principle of the regal power—this evidenced by great antiquity in it's controul over the Parliamentary branches—in it's controul over the orders of Subject's by Rights yet subsisting—but especially in the royal demesnes, the original provision for the Crown—much dependance introduced by a Civil-List-Support—Advantage taken of the Crown under this change by Party
—the*

—the influence of Party on the executive Power, in it's whole operations—in appointment to the offices of State—hence the influence of a Ministry substituted for that of the Crown, in the enforcement of it's own measures—how far the spirit of true Whigism is concerned in these effects—high time that the true friends of the Constitution should be distinguished from Republican Whigs—The application: A reform of Parliamentary Representation the natural cure of these wrongs—Independency restored to one Estate must be followed by independency to another, or there is no balance—the royal negative must consequently feel itself in force—an Address to the Crown.

C H A P. VI.

The DURATION of Parliament:

Intimately connected with the subject of Representation—the greatness of delegated power should ever be balanced by it's brevity of duration—by the wisdom of most States the period of a year has been adopted—this the ancient policy of our own Country in the parliamentary Trust—how it came to be varied—partly by the acquiescence of the People in triennial acts—the septennial act the grossest violation of Law, Constitution, and Decency—that act must at all events be done away—how much farther we must go—without short Parliaments no amendment of the Representation can do good.

ANGLIA REDIVIVA:

O R,

ENGLAND RESTORED, &c.

CHAP. I.

The Constitution of England a subject of constant admiration—a jealousy for it natural in Englishmen—the Rights of the People, which form the House of Commons, original and unperishable—the Constitution not to be taken from the Revolution in 1688, which left abuses—Constitutional Principles naturally call for occasional adjustment—within certain limits, each constituent part of the State has a full right to call for modifications—Application to the subject of Parliamentary Representation—the History of the House of Commons for the last fourteen years; which gives impatience to the call for reform—but at any rate makes a candid discussion and enquiry indispensable—happy for England, the time now favorable to this; and the Minister.

THE Constitution of the English Government has been a subject of great admiration in every age, not only with those who were born to the enjoyment of it, and therefore may be deemed naturally partial to their own inheritance, but with all enlightened and observing Foreigners, whose distance enables them to view this illustrious work of Art in a calmer and more sober light, unaffected by the glare of colouring. Unques-

The Constitution of England a subject of constant admiration.

tionably no nation in the world hath shared a government, built on monarchic principles, equally genial in it's spirit, and compleat in it's model; though it be similar in many of it's first principles to what other countries have sometime enjoyed, as it flowed from the same fountain which directed it's streams to other parts, but it has been more happy than all others in the preservation and improvement of what it has received. By the adversity of genius, or of local circumstances, neighboring countries have seen these genial seeds of national happiness and freedom wither in their hands, or choaked before they came to maturity of growth. To the soil, and the air, of Britain it seems to have been reserved to rear the precious plant into perfection: while the genius of her People appears no less singularly turned to the very nice and delicate culture of so rare a possession.

A jealousy for
is natural in
Englishmen.

From the national character of Britons may therefore be expected a peculiar jealousy for the Constitution, which seems possible to have been maintained by no other care than their own. There was once a people in the world, with whom it was an established law of their state, that every man, from the moment he came to rational life, should give proofs of his acquaintance with the constitutional government of his country, and of his zeal to maintain it. If any people under heaven could ever be bribed by the importance of their interests, to become Politicians through all their classes, the temptation most certainly rests with Englishmen; and especially those who have lived in the most advantageous period of the Constitution, as it has been considerably secured in the last hundred years; but those more especially still, who now live to see how near they have lately been brought to the loss of this inestimable Constitution, (nor yet are they
secured

secured from the fear) by an Administration inimical to it's principles, and rendered undaunted in their system by the long tenure of their power.

The Frame of Government, under which we live, must be allowed to have advanced progressively to it's present state. The House of Commons in particular, which forms the seat of popular interest, and the great check which the people have reserved to themselves in the Government, has risen in successive periods not only to the present modification of it's power, but to that power itself. Yet the whole that it possesses was not only it's due in the nature of things, but inherent in the first principles of it's own institution. In like manner, those popular rights, which give the very formation to the House of Commons, whatever variations either in form or in effect they may have received from the influence of time and the mutability of things, must still remain immutable in their spirit, and inextinguishable in their claim, nay and indispensable in their preservation, as the pillar on which the whole superstructure rests. So that it is of no moment in the mouth of an objector, *when* any one of those rights first assumed any one shape it may have taken, or *when* it lost that shape for another : Neither will the reasoning be always just, which would assume the accidental form of any popular right for the full force of that right itself, and argue from the habits, which have found their way into matters of constitutional procedure, to the existence of the Constitution itself in it's true and genuin destination.

The Rights of the People, which form the House of Commons, original and unperishable.

The Constitution not to be taken from the Revolution in 1688, which left abuses.

We have just observed, that the Revolution in 1688 was a most advantageous period for the Constitution. But this must be understood with limitation. The Constitution was then secured, but in partial, though momentous, circumstances. These more immediately related to the prerogative of the Crown, and those Rights of the People, in which the security of their persons and property was vested. The convulsions, which preceded that event, sprung out of these subjects, and therefore found their cure in the provisions established by the *Declaration of Rights*. But there were abuses, or at least deviations from constitutional Purity, and these in points of the first magnitude, which had been growing with time; these were lost in the more clamorous grievances, which then pressed upon men's minds, and therefore they found no part in the remedies of the age. I allude here to those fundamental Rights of the People, by which they form their own House of Representatives, and give it every quality that most naturally may belong to a representative body. So that we are not to look upon the Revolution as a full establishment of the Constitution, or to consider any exercise of the Crown, or of the People drawn into it by habit, or of the representative body tempted to it by the sweets of power, as conclusively definitive of right, more especially if it was not then the subject of an express provisional adjustment.

Constitutional Principles naturally call for occasional adjustment.

The only correct view we can therefore have of our political rights is, by looking to what the Constitution *is*, rather than to what it may *seem* to be by the prevalence of accidental habits. And those principles, which form the great outlines of it, as they are perennial in their nature, so they evermore call for occasional adjustment, whenever the departure from their spirit shall threaten

threaten the loss of their effect. If the original frame of Government be worth preserving, this is unquestionably both just and wise. The alternative is short and plain : Either you must refit the Pillars, especially when encreasing decays go fast to undermine, or the fabric will crumble : either the land-marks must maintain their place, and also be kept up to sight, or the property will be lost. Mr. *Locke*, in his chapter *on the Dissolution of Government*, has clearly proved, that when the first principles of it are broken through and subverted, the People, who are the great Fountain of Power, and the primary objects for whose good all Government is or ought to be formed, may take the matter into their own hands, and new-model it in a way, by which they conceive the original purposes of their freedom and happiness may be better maintained. If there be, as I should think, scarcely an individual in these enlightened days, when the ideas of Government, it's origin, and it's end are more liberally conceived, who would reserve his acknowledgment of this doctrine ; it seems however hardly possibly to suppose that plain sense or a liberal apprehension can hesitate on another point, which is circumscribed by a much narrower extent—that when any primary Rights of the People, though far from being annihilated, become so defaced and mutilated in their exercise, that the change introduced tends fast to put the right itself out of sight, and to extinguish the object of it, there can be no controul on their claim to new-model the exercise, so as to make it more productive of it's end, nor ought there to be any resistance to their voice.

Within certain limits, each constituent part has a full right to call for modifications.

This matter, important as it is, must strike us forcibly on the first blush of it, but with increasing conviction on every investigation. It has it's boundaries, and while they are plain, they give greater energy to the principle they encircle. In the distributions of Government, the powers allotted to each constituent part are sacred. The people, though the fountain of all, having made this distribution, have given from themselves those estates, which they can never more invade, so as to unsettle, unless the common bond of all be dissolved by the fault of the others. They cannot even move the line which encircles their own estate ; for in this case, to move is to trespass. But within these boundaries, and especially within their own, they can act more free. Whatever relates to the mere modification of their own check upon the other estates, they can from time to time revise, correct, and amend ; they can repair it's defects, renovate it's decays, supply what has lapsed by time, reduce or lop off what by time has become inconveniently exuberant, so as to prove a dead weight on the important function. And more especially are these acts right and fit, where the intention is not to introduce new modes, but to give revived vigour to those, which are stamped with the sanction of past and early ages. For in any of these cases, there is no line of separation disturbed, no barrier is removed, no other interest is affected, but in such way as it should desire to be affected, by seeing the fence between itself and another properly maintained, for the common preservation of order and advantage to each. For the line, which runs between these respective estates, is actually a fence and a barrier to each, which no longer answers it's purpose, or very little longer, than it is kept straight and strong. If the internal works on either side, which are designed to buttress and make

it a wall of mutual effective resistance, are suffered to relax, to lose their hold, and fall into decay, it will presently lean from the superior pressure on the other side; and the time will be short, before it will be laid level with the ground; exposing the whole domain, which was so negligently secured, to all the consequences of a desperate irruption from more potent interests, whose loss of their own compact situation may, most likely, in the general confusion prove fatal to themselves. It is therefore for the good of all, as well as of any separate estate, that the barriers of each should be kept up in their natural strength by constant renovations. If these are called for within another estate than their own, the People, for whose benefit the whole is contrived, have an unquestionable right of interference: But it is sufficient for my present design, that their power of correction is paramount all controut within their own. And if, for the sake of order, the concurrence of the other estates be regularly needful here, yet the Voice of the People calling for that concurrence, and much more calling to those whom they have deputed to speak and act for themselves, should never meet any possible resistance: if it does, from any quarter whatsoever, either all Government is an imposition on common sense, and worse than none, or the moment is arrived when regularity must give way to self-preservation; and they may take up some better means of giving themselves justice, and bursting through the shackles that would tie their hands from warding off the ruin, whose precipitate strides are hastening before their eyes,

What Application to
 the subject of
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The observations, which have been hitherto employed, have had an immediate view to the right and importance of restoring to pristine virtue and extent that great and comprehensive groundwork of the People's weight and security, THEIR REPRESENTATION IN PARLIAMENT; which gives the essence to the House of Commons, forms the popular check or balance in the State, and according as it is naturally and with considerable equality preserved, or as it loses it's spring from the general mass of the people, becomes the source of every evil which can be conceived to flow to a nation, whose Lives, Liberties and Property are at the mercy of an Assembly, over which it has no regular, compleat, and exclusive hold. If there be a subject in the whole assemblage of national Rights, which in the nature of the case may most naturally be expected to call for revision and reform, it is unquestionably this before us. When for a long succession of time the Representation of a Country has been occupied, so very considerably as our's is, by the suffrages of more private and local situations, instead of the more general and diffused interests of counties; what can be more looked for, than that towns and boroughs, depending perhaps for their welfare on the accidental circumstances of trade or situation, may participate in the eternal mutability of things, and vary their condition with the varying course of human affairs? And in this case, what consequence *should* follow, but that having changed their condition, their first proportion of representation should no longer be their due? If their condition be changed for the worse, then the humble cottage, or the whole tenantry of the lonely village, can never deserve that weight in the National Scale, which is denied to the expanded wealth and commercial greatness of the neighboring

boring town, that hath legitimately eclipsed the prosperity of the other. If for the better, then if the principle was right, by which they first gained a measure of Representation, not only that measure should follow them in their rise, but should become the acquisition of those other rising Communities, which had never gained it at all. * Thus we see, that constituted as the Representation is, it generates eternal difficulties; if we meant to give it any semblance of rational Reform, we should never be at a certainty for an age together; indeed the calls for Reform would never cease: And the truth is, that they never can, let what meliorations soever be bestowed, till the national Representation be put on that extended basis, which will make it the genuin offspring of the whole People, and so give it stability for ever.

If the nature of the case be a standing call for Reform, The history
the alarms, into which the want of that Reform hath the House of
brought us within the last fourteen years particularly, Commons for
must add impatience to the demand. To enumerate the last four-
what *England* has suffered, in all her dearest circumstances, teen years;
within that period from a House of Commons, which which gives
having not even the form of representing her aright, but impatience to
unhappily the form, without the virtue, of a third estate the call for
concurring to public acts, hath bound her to what an age Reform.
of constitutional exertions and the purest public æconomy
hardly can recover; this will be a task for the diffuse
historic page. My purpose must skim more lightly over
the surface. Other æras have seen this representative
body too much devoted to the Ministers of the Crown;
but it was reserved for the period I have mentioned to
compleat it's full disgrace, and to shew us by real facts,
rising in ignominious and ruinous progression, what a
C sensible

sensible foreigner foresaw and foretold*, “ that the
 “ liberties of *Britain* were near their fall, when the
 “ Legislative Body should become as corrupt as the
 “ executive, and dependent thereon.”

By wretched notions of Politics, fostered by men who were conscious to themselves either of a want of virtue in their plans, or of inability to govern by more plain and manly means, they had for some time been maturing the system of bringing the Legislative Body to be the right arm of the executive power. It were obvious, that if once the former could be made pliant to the will of the Minister, every extension of the prerogative he might desire, every daring measure to spread the influence of the Crown, might not only be obtained, but, in case of discontent, be safe in it's exercise behind the screen of those legal forms, which had given it birth, and whose act it therefore became.

An heathen poet† has observed, that *no man ever reached the height of wickedness at first*: But the Minister of that day in the House of Commons boldly gave the lie to the general feelings of the human breast, and renounced for himself the credit, which that universally approved aphorism gave to the backwardness of virtue in evacuating the heart. It is perhaps from the abyss of political depravity that nature withdraws her feelings and her rules, as unable to find their subsistence there; so that the most perfect amiableness of the private man cannot survive in the breast of the Minister. One of the earliest efforts, by which that baneful system gave an earnest of it's own views, and of the subserviency of the

* Montesquieu.

† Juvenal.

Commons, went to an extent of invasion on the Rights of the People, which sapped the foundation of them at once, left the people nothing to enjoy with confidence, and substituted a medium for making their Representatives no longer a check upon the executive branch. What consequences less direful to all the purposes intended to be secured by a third estate of the People, can we suppose to follow, when those Representatives, creating disabilities by their own vote, and annexing to that vote the force and sanction of compleat law, deny to their Constituents the power of chusing the men, whom they may think fit to send with their own trust into the delegated body? Having with such temerity infringed the sacred choice of their Electors, we cannot wonder to see them, at another moment, gratify the most profuse expenditure of public money, by making good a large arrear, which in any reasonable view could never have been incurred for a good or an excusable purpose; while at the same time they covered the corruption which they sed, by refusing to enquire or know how that expenditure had arisen. A series of sessions passes on, replete with the proofs of the most absolute and astonishing servility to the will of the Minister in every circumstance of their trust.—If the interests of the people are formidably threatened in any part of the empire by the apparent misconduct of Administration; not a single paper will these Trustees of those interests consent to be produced for the discovery of truth:—If the Liberties of the People are threatened, in circumstances of the dearest importance, by the perversions of law either in courts of justice, or in law-officers of the Crown; not the least inquiry that may correct the abuse, and relieve generations to come from oppression, will these Guardians of those liberties permit:—If it assists the views of

an Administration hostile to freedom, to try the precedent of an arbitrary form of Government, by beginning with a distant part of the British Dominions; though by that Establishment one fundamental Pillar of the Constitution, supporting expressly the utmost extent of British Dominions that ever should accrue, THE ACT OF UNIFORMITY, was most palpably overturned: This venal Assembly makes no hesitation, but establishes in *Canada* a system which may overleap even the daring and malevolent extension of her new bounds, and defy the Atlantic herself to bar its triumph over all that British generations have enjoyed and loved:—If prerogative desires to enlarge itself at home, though possibly, and not improbably, to the subversion of another fundamental Pillar of the State, THE ACT OF SETTLEMENT; the controul over the marriages of the Royal Family may pass with unobserving minds for a private and limited concern, and accordingly this pliant body surrenders up along with these individuals the eventual succession of the Crown to the royal arbitrement:—Amidst these things, we are shocked to see, in profound peace, an establishment of expence not only more enormous than ever was known, but growing immensely every year, granted by these stewards of the public purse in the gross, and without account, as in the gross it was required;—granted with an inattention, which shews, if possible, more shamefully than the extent of their profusion, the servility and forgetfulness of duty to which they were arrived; for while millions of their Constituents money were passing away, you would have imagined it an Assembly brought together for idle chit-chat, or tumultuous dissipation. So extreme, in short, was the controul of the Minister over the Commons in this period, that public virtue, or however

virtuous

virtuous hope, seemed to be sickened in the honest few; who, after struggling all they could to resist the betrayers of their country, while a dead calm of things promised no events which might break the evil concert of the Executive Cabinet, began to think of retreating from scenes, which they could neither endure nor prevent, as the only refuge that was left them.

But a period next opens, at the mention of which the ears of every Englishman will tingle to the latest generations. A House of Commons, which had given such pledges of its compleat submissiveness, might reasonably be counted ripe for any measures of those, who would stick at none for the strengthening of their system. Indeed there remained but few branches of power, on which attempts had not been made, and with much success, to gather something which might form a part of Ministerial Influence; nor any mean of corruption within the Realm, which had not been put to the stretch. And yet the demands of corruption encreased with the gratifications it yielded. The Dependents of the corrupted formed a numerous train no less to be satiated, where all things are to be bought, than the principals themselves. But *England* was heavy-laden, and *Ireland* could not bear another pound in addition to her weight. *America* was light and free: In the various Governments of her extended Continent there would be ample room for all that a corrupting Minister could wish, if once they could be brought within the grasp of Parliament for revenue: From her fruitful and unbroken soil would then arise a harvest, in which a whole Nation of Expectants might fill their bosoms with the sheaves. The seed was sown: It took root: It grew: The harvest was near: But then the owners strongly forbad the stranger's foot

to enter, or his hand to reap. To covet is hostility commenced: When once the heart is possessed by the passion, the hand will soon make the deed it's own. An intolerant Ministry draws the sword, which haply the setting sun of Britain shall only see returned into it's sheath.

But what if Ministry draws the sword? The People of *England*, looking not through the same medium with Ministry, but feeling sensibly the benefits of amity with their Transatlantic Brethren, in their Commerce, their Lands, in every circumstance which formed their astonishing prosperity, fain would have suspended the arm uplifted to desolation. It is a justice to their integrity and good sense, that no measure could ever come forth more universally unpopular than this American War. The voice of the Nation, from one end to the other, rung in exclamation against it. They spoke most feelingly to the Throne; they spoke to the Legislature, where any opening of occasion was given them to speak. If contentment, if acquiescence in what struck at the received ideas of national interest, kindred affection, and honorable justice, was heard in any quarter, it was but from those who manufactured the weapons, that were to deluge *America* with blood.*

Let us now see how the voice of those, with whom it rested to speak the public sense in Parliament, corresponded with the duty they owed their Constituents. Deaf, insensible, impenetrable to the wishes of a whole Nation, they boldly enter the lists at the Minister's call, and run the race which he sets before them. The People were of opinion that the Americans were aggrieved and injured:—But these Representatives pronounce them rebellious;

* Address from *Birmingham*.

rebellious; vote bills to starve one part of them to death, to cancel all the established Rights and Securities of another, and to encourage the Military in going all lengths to keep down the spirit that might speak it's oppressions. The People feel the wonted resources of their Commerce, diffusing itself through an infinity of channels, to be affected: These Representatives shut up every port, and put a stop at once to every means of American intercourse. The former, naturally alarmed for themselves, beg to be heard; and their petitions, by an insidious artifice, are consigned to a *committee of oblivion*. The *Americans* offer a golden bridge—they offer to accept an alternative of dependence, only wishing to shun the condition of direct slavery, to which no alternative is given: The People of *England* are anxious that this favourable moment should be embraced, and the formidable breach thus passed in time; but their Representatives, with the other branches of the Legislature, will have no bridge, they will fight it in the deep. The People bending under their public debt, and feeling all private property reduced by the loss of that commercial influx, which gave a lift to all their circumstances, sink in despondency under the additional burdens of so distant and complicated a War: Their Representatives become Egyptian talk-masters; they will have, notwithstanding, *the tale of bricks*, let *the straw* be found where it may.

Here indeed the scene opens anew. To what extent soever the Minister's imagination might have carried the accession of Ministerial influence in case of final success; enough to satisfy even an unreasonable mind now arose, in the mean time, from the enormous grants of Parliament, to keep that Parliament, and other numerous dependants. at his beck. In reviewing these
unparalleled

unparalleled profusions, they become in some sort fabulous to the mind that has marked the usual capacities of national wealth ;—all *Europe* might well stand aghast at them ; yet no imagination of others can exceed the painful feelings entailed upon those that are doomed to bear them. The *English* Nation, because the Mart of Nations, is indeed a *Phænomenon* of Wealth : Her Wars for some time have been an *Unique* of Expenditure, at least to *European* experience : But all that have passed before this that I am speaking of, if looked at by the measure of Expenditure exhibited in this, might seem more fitly the short and puny conflicts of some most petty State, than the hard-fought Wars of *England*, coping with the first Powers in the World. Let her own Expenditures therefore give the measure of comparison, of which we shall set before the Reader a Sketch, as it will be useful to shew these Representatives of the People in their genuine character.

On the head of GENERAL SUPPLY, the whole may come out at one view ;—that from the commencement of this War to the present year, being the seventh, and including forty Millions, which are known to be yet unfunded, and a large unliquidated Debt in America, no less than 140 Millions have been expended—a Sum more than seventeen Millions beyond what the Nation had incurred as a Debt from the first existence of it's Funds in the Reign of King *William* to the commencement of the present War ; though near a century has passed, and in that space of time full six-and-thirty years have been consumed by *England* in her wars, previous to the present.

The following are but subordinate to this astonishing aggregate of Expence, but they are worth attention for the part they share in it.—On the head of ARMY EXTRAORDINARIES—that most horrid source of Corruption, because they are not only incurred, but paid, by the Minister himself, without discretion left to Parliament—it has appeared, from the public accounts, that these in any ONE year of the present War fall short, on an average, but little more than 100,000*l.* of the Extraordinaries for THE WHOLE of TWO GREAT WARS, which lasted TWENTY years.

Again: In ONE year of the present war, these amount, within half a Million, to the WHOLE SUPPLY of one year in *Queen Ann's* war.

Again: In the FOUR first years of the present War, these exceed by 4,640,449*l.* all the Extraordinaries of the FOUR first years of the last War.

Take one view more. In any FOUR years of the present War, these amount to *a Million and a half Sterling* more than all the Extraordinaries of Wars which took up *nine-and-twenty* years, from King *William's* time to the last War of *George the Second*.

On the head of NAVY EXTRAORDINARIES—after rising regularly above a Million every year since this War began, these now exceed the Extraordinaries in the *highest* year of the last War, by considerably more than *two Millions* of Money.

On the head of ORDNANCE—it appears, that the Estimate for ONE year in this War comes within so small

a sum as 100,000*l.* of what was expended in THREE years from 1745, with a Rebellion in the Country, which called for extraordinary ammunition, &c. It approaches within the inconsiderable sum of 79,000*l.* to what was the expence of the THREE first years of the last war; and within the trifling difference of 5000*l.* to the TWO next years of that War, which were still higher estimated; And it *exceeds* by near half a Million the highest year of all.

Thus have the People been loaded by a House of Commons servile to those on whose measures they should have been a check, and false to those from whom they derived their trust. But if these *Facts* demonstrate, to our cost, their entire subserviency to the will of the Minister, a proof remains behind, which will shew this yet more to their shame, if it be possible. If there be a circumstance, which marks, beyond every other, a mind wedded to corruption, hardened in flagitiousness, and incurably base, it is when men are brought, by a train of evil consequences, to see the perniciousness of their own measures, and to condemn them, and yet remain unconverted from the evil principle: In other words, when we still adhere to the deceiver, and court his continued deception, while he owns without reserve that he has seduced and betrayed us. Into this disgraceful predicament, to this *damning* proof of their hardened corruption, were these Representatives of the People brought. By the adverse chance of war, the Minister was obliged to shift his ground, and to turn round upon his own principles. He drops the haughty tone he had held: He decries the expectations he himself had raised: He acknowledges himself mistaken: He declares that he must look no longer for that, to obtain

obtain which he had beguiled Parliament to draw the sword. What do the Commons, hearing this language so disastrous to those, who had sold their own character and the interests of their Country to the ambition of him, who thus chilled every feeling within them? What would *honest*, what would *mistaken*, men have done here? We must change the terms of our question, or the event will never be guessed at. What would *corrupt* men have done? Exactly what these did. They clung to the corruption. With more than feminine infatuation they hung on the man that had undone them. They turned round with him to his own language: They condemned with him the policy they had pursued; yet they abode, with him, in the policy they condemned. They joined in confessing the miseries, which had flowed from their measures; yet their Country profited nothing from their conviction. Dangers and misfortunes, which make other minds serious, could not turn their's to the part where their duty rested. They were the Minister's slaves in his errors, as well as in his first delusions.

If it be possible for the people of *England* to bear, without correction, such demonstrations as these of perfidiousness in their own Delegates: if it be possible for them to suffer their House of Commons to continue so absurdly constituted, as with such facility to generate this obliviousness of what they owe to their constituents: then is not only all public virtue fled from society, but all private sense of self-preservation.

Building on these foundations the necessity of that Reform in the House of Commons, to which the views of public men have for some time been involuntarily

directed by the continued abuses, of which I have given but an imperfect sketch; I have no scruple in pronouncing, that from the want of a more equal representation of the people, and a shorter duration to the Parliamentary trust, all those abuses have arisen, and that by a Reform in these circumstances they will all be cured, and prevented at least from becoming so formidable in future. At any rate, the reasoning and the facts, which, I conceive, I have incontrovertibly employed, must operate, I should hope, on every candid and honest mind so far as to give this subject a claim to be heard and comprehensively discussed in the place, from whence the Reform must regularly proceed. If the discussion terminates even in a considerable extent of the Reform, though it be dear and irksome to buy again what we ought never to have lost, yet the evils we have endured from the abuses will be cheaply laid out in the purchase of what will enrich us so much: we will almost consent to kiss the rod, which in scourging us hath been followed by so great a good. So it happens often, by a Providential Disposal, that the extremest evils become their own cure; and Nations, like Individuals, find unaccountably their happiest fortune to spring from what covered them, in the moments of action, with despondency, and seemed the inevitable crush of fate.

I flatter myself therefore, that the Title, which I have given to these Sheets, though large in its pretensions, is by no means unsitly applied to the Reform, which is the object of my writing, nor will be found in the issue more sanguine than the salutary effects of that Reform will justify. With respect to the attainment of it, there is a moment now before us, which may fairly bid our hopes be strong. *England* now, for the first time in all

her History, sees a Prime-Minister cordially pledged to the recovery of a more *free* and more *equal* Representation of the People, and *by that means*, as well as every other, to the rendering of the House of Commons more independent of the executive branch, by as much as it shall become more dependent on it's own source, the People at large. Heaven forbid! that we should look with coolness on those other checks upon corruption, to which the integrity of other Ministers, or other public characters, hath risen; or that we should bereave them of their deserved measure of applause. But in the objects I am speaking of unquestionably rests the most unqualified proof of friendship to the People; and the Minister, who will devote to the establishment of those objects the weight that naturally attends on his situation, can have no competitor for the Patriot-Character: because he demonstrates his love for the Constitution; superior to all partial intervening interests, he seeks to restore the proper check of the People in the Government to it's natural tone; and in bracing that check, he braces those others that are framed into it, and form the compact workmanship which holds all together;—he lays the axe to the root of corrupt and pernicious influence, not only that which arises from the luxuriant disorders of the natural branches, but much more that which is felt from those unnatural excrescences, which are no part of the tree itself, but cleave to it as a poisonous *fungus*, which not only disfigures it's beauty, but debilitates the health of both root and branch. Let him give the Country these renovated Rights, and this new vigour in her Government, and let him not fear that the man who so honorably throws himself on the power of the Country will want the firm support of a grateful and discerning People; his power may add to its ordinary compass

compass the sure possession of their hearts: They will never fear the abilities, which shall have given such proofs of their kind and genial influence: and presently we shall see the mutual interests of Prince and People, forgetting jealousy and complaint on either side move in an harmonious alliance, which will be both the stronger, when each possesses an independance of it's own, and the closer also, when that independance is yet so respectively involved, that the one maintains the other in it's place.

This will prepare us to state the subject of REPRESENTATION—it's gross *defects*—the *pernicious consequences* which unavoidably flow from those defects—the *comprehensive advantages* which will accrue from giving them a constitutional Correction. Having discussed these points, I shall speak to another matter, which though often considered as a distinct inquiry, yet strictly, makes a part of the great subject of REPRESENTATION, and, as now constituted, has it's full share in all the political evils of which we can complain; I mean the DURATION of Parliament.

C H A P. II.

A just Representation briefly stated—the gross defects and inequality of ours in the Electors—in the Elected—this branch of the Constitution quite defunct—an answer to the argument against Reform, that the Constitution has stood hitherto—neither Law nor Habits necessarily make the Constitution—the 8 Hen. 6. a breach of the Constitution; this act discussed—boroughs hardly more defensible, but for their antiquity—a glorious patriotism in those that can give them up.

A Man of simple capacity will come with little reflection to that idea of popular Representation, which must be just in the nature of things, and is confirmed by the purest times of those countries that enjoy it. That idea common sense as well as common law hath expressed by this general rule, that *he who bears the burden ought to enjoy the benefit*. In no possible circumstances can these terms be applied with more pointed energy, than to the case before us. The *burden*, to which we stand here, may be the loss of all that is dear to men: To have a voice therefore in guarding that burden must be the dearest *benefit*. I do not say that there are no exceptions to this rule. In every civil privilege whatever, wisdom hath made an exception of those private circumstances, which tend to destroy all the public good of the privilege itself. Now that public good is endangered by those circumstances of an individual, which leave him not properly capable or free to judge and act in this important function. Inexperience of years, below the received age of manhood—indigence of condition, which contributes nothing to the public assistance,

A just Representation briefly stated.

assistance, and much more, if it subsists at all by that assistance—servitude, which is subject to influences that suffer it not to follow it's own will—these are evermore reasonable disabilities, which give a line of confinement to the right. But within these boundaries, there seems little to be said on other limitations, if we would have the right in it's purity : And candour will hardly urge considerations of *expediency*, any more than reason will find them sufficient, to overturn what may be claimed as a *birth-right* in every State that has a pretence to be free. The man who is worth no land, the man who is worth no money, the man who has nothing but the bread he eats from his industry, has his life and the fruits of that industry at stake, which may be as much aggrieved by those that make laws, as the lives and properties of those that are greater and richer than himself ; and the State is not free, which does not give every man, feeling himself free in mind and condition, a power of guarding what is thus dear to all.

The gross defects and inequality of ours; Looking on the Parliamentary Representation of Englishmen in this scale, we are confounded in a moment with it's astonishing departure from what carries the semblance of Proportion, Reason, and Common Sense. The view of this matter is two-fold, in both of which we shall state it—the Right of Suffrage—and the Members Elected ; in other words, the People represented—and the Members representing.

In the Electors With respect to the first : The number of inhabitants in *England* and *Wales* is computed to be about *five millions*. Of these, were the Right of Suffrage reformed on the scale above-mentioned, it is supposed by the most accurate investigations, that about *twelve hundred thousand* would

would be capable of voting: Whereas, at present, little more than *two hundred thousand* do vote. So that it is only *one* out of *six* that enjoys the common Birth-right.

If we view this Disproportion, as it operates through the country, we shall find it still more irregular in it's distribution. Out of the whole number that vote, nearly *two-thirds*, or 130,000 Suffrages, are employed in the election of only a *sixth part* of the House of Commons, or 92 Members for the Counties. Here the Proportion is of 1413 votes to one Representative. In the next view, the Disproportion and Inequality of it's Distribution encreases: For nearly a *fourth* part of the whole Votes or 43,000, are employed in electing nearly a *tenth* part of the House of Commons, or 52 Members for Cities and the Universities. Here the Proportion is of about 827 Votes to one Representative. Go a step further, and the result will be more extraordinary: For a number not so large as the one last mentioned, or 41,000 Electors, absolutely return 369 Members for Towns and Boroughs, which is very nearly *two thirds* of the whole House of Commons. Here the Proportion of Suffrages is about 111 to one Representative. But the Inequality is not yet seen compleatly: For out of that House you may select *fifty* Members, or a *seventh* part of the whole, who are returned by 340 Electors, which constitute only a *587th* part of the whole Body in the Kingdom. Here the Proportion is of *one* Representative to about *six* votes. Take one view more: You may select 257 Members, which make a majority of the whole English House of Commons, and the efficient Representation of above *five millions* of People, returned by only *six thousand* Suffrages, which form a

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majority

majority of the Voters in one hundred and twenty-nine of the Boroughs. So that a majority of Members may be found in the House of Commons, returned by less than *twenty-four* Votes, on an average, to every Member.

the Elected. On the side of the *Elected*, the Inequality is equally glaring. If only *one* out of *six* enjoys the common Birth-right of Suffrage, we shall find only *one* out of *four* in the whole House of Commons returned, in the way that a National Representation should be, from considerable communities or general portions of the People. For these we properly look to Counties; from whence we obtain but 92 out of 558—merely a *sixth* part: And if to these we add what are returned from all the Cities and the Universities, amounting to 52 more, we shall then have but a *fourth* part of the whole. The rest is made up from local and particular interests, which, by means of various interfering considerations, cannot be considered as blended with the general Voice of the People.

This very trifling Portion too in the *Elected*, which the larger communities possess, is equally irregular in its distribution with the Right of Suffrage above-mentioned. Neither according to Property, nor according to Population, is it apportioned. No proof is necessary, that many Counties, whose Extent, Property, Population, and consequently Contributions to the Taxes bear no proportion to those of others, return notwithstanding a number of Representatives equal with the latter, and sometimes infinitely greater, including the Members for the Boroughs. *Cornwall*, for instance, which ranks in the comparative view of its importance as 1 to 9,

sends

sends above *five* times as many Members to Parliament as *Middlesex*, which, including it's two cities contains a tenth part of the People, and pays the *half* of some subsidies, a *third* of others, and less than a *seventh* of none.

Is this fit to be called a National Representation?

A sensible and unprejudiced mind, which takes in the interest of a whole, will be chagrined to think that what gives the foundation, and forms the security, of the People's share in their own Government, is become thus ruinously disordered, so as not to preserve even the form that should give it it's name. The Man, who reveres the British Constitution, after viewing the depredations it has sustained in this quarter, will wonder to hear that it is still made the subject of undiminished admiration and boast from modern, as well as ancient, panegyrists. They pay honors to the dead, not to the living. This branch of it however is most certainly defunct. Or, if any virtue remains, the foreign *scions* that have been engrafted on it, have absorbed it all—**scions* of wildest stock, married to this gentle limb, have made a bark of noblest race conceive by buds of basest kind. Most undoubtedly the *democratic* virtue of this branch has been nearly drained by the absorbing powers of the *regal* and *aristocratic*: That distinctive spirit, which characterised the popular influence, is gone: That great line, which marked the third estate in the Government, is no longer visible: That admirable poise, which kept the other component parts in perfect ballançe, now kicks the beam. Men may admire it: But they admire it upon

This branch
the Constitution
quite defunct

* Shakespeare's *Winter's Tale*, reversed.

paper ; they admire it at too great a distance. Let them take a nearer view of it, let them look into it's interior composition, and see what passes within it, and their admiration will unquestionably abate much both of it's ardour and it's justice. Even the boast, which is in truth yet happily reserved to us in the wise, and mild, and equal administration of justice, through all it's invaluable parts, must be dependent, for the permanency of it's triumph, on the pure preservation of these Legislative Rights ; amidst the growing corruption of which we have not been without the danger of seeing the line of constitutional law, in very tender instances, perverted, where the perversion would give prerogative, or the servants of it, an advantage over the country.

an answer to
the argument
against Reform,
that the Consti-
tution has
stood hitherto.

When therefore we hear it urged as an argument against going into a Reform of the REPRESENTATION, that “ the Constitution has stood hitherto as it is, and “ therefore may well be left as it is, without seeking to “ mend or alter it ;” this is entirely begging the question, and begging it at so great an expense to the understanding, but however to the political knowledge, of him who uses the argument, that I should be inclined to fear he chose to *devote* the reputation of his *knowledge*, for the succouring of his *prejudices*. Whether the REPRESENTATION, as it now stands, has the *Constitution* on it's side, can give no man, that wishes to know it, much trouble to be informed. If it has, then what a celebrated writer * has observed, that the rough draft of this Constitution *was formed in the woods*, shall be granted in the utmost force of the idea : For certainly nothing can be

* Montesquieu.

more rude, undigested, wild, and horrid, than the present formation of the House of Commons: And then it becomes a civilized and enlightened age, experiencing it's gross defects and disorders, to give it improvement. If it has not, the same conclusion must follow *a fortiori*: There cannot be a shadow of argument, why disorders, which have nothing to plead but their own viciousness, should be continued to dishonor the wisdom, and endanger the welfare, of the society. In the mean time the presumption will remain in my favor, that the truth lies in the negative; for which I shall rest myself on one of the ablest authorities* in this or any age, whose words are universal nature itself; " In the best constituted state
 " there is a perpetual accumulation of something, which
 " will require reform; for which reason there is a ne-
 " cessity of often recurring to first principles."

But some perhaps are content to look no further than the *law* and the *habits* of the times, and to take these, as they find them, for the Constitution. They know that ever since the 8 *Hen. 6.* the right of suffrage in counties has been confined to Freeholders possessing at least 40s. *per ann.* and that from time more immemorial than that the House of Commons has been filled, by a great majority, with members for particular Boroughs. They will therefore take it for granted, that the inequality we have before described, both as to the *Electors* and the *Elected*, grows from the Constitution itself. It will not be amiss that we bestow some considerations here on each of those points, from whence this idea arises.

Neither Law
 nor Habits
 necessarily
 make the
 Constitution.

* Lord Camden.

The 8 Hen. 6.
breach of the
Constitution;
that act dis-
franchised.

The 8 Hen. 6. while it threw the franchise of voting into the hands of a particular class of men, was indeed a law of general *disfranchisement*; the first that ever was attempted; and a bold and daring one it was. Till that moment the right of suffrage was as universal as the outlines which we have before given to it: It adhered to the inhabitants of this country as *free men*; it knew nothing of them as *Freeholders*. But before we speak more decisively upon it, let us know the reason or pretence for its innovation, which it will be most indulgent to the act to take from its own preamble.

Two causes are assigned therein. First, "that elections of Knights had been made by excessive numbers, many of them of small substance, yet pretending to a right equal to the best Knights and Esquires," Is it possible that the supreme Council of a free country could make such unfit and imprudent language its own. Yes, God forbid! that the man of small substance should not pretend to as much right as his proudest superior, for the protection of what is as dear to him, and in his class as useful to the country, as the other's more boasted greatness. Here seems to be the sad beginning of that Aristocratic spirit, which hath ever been unfriendly, nay contemptuous, to the people at large. But let us proceed.

The preamble next alledges, that in consequence of these excessive numbers, "Riots, Batteries, and Divisions were very likely to arise, unless due remedy were provided."

It is something, that the act could only say, these consequences were *likely* to arise. So then, from the possibility

possibility that these excesses might happen, or, had they even happened, from causes no worse than *numbers*, the Freemen of England were to be bereaved of their Birth-right. Of all the pretences, which Aristocratic guile ever framed for narrowing the principles of the common People, none were ever so flimsy and so barefaced as this; which leaves us in surprize, how a law built on such pretences could ever have been attempted upon a People, or suffered by that People to gain a footing, but that they wanted education and a knowledge of their rights. Were it indeed a matter of as important *etiquette* to preserve decorum in a Country-Hustings, as in the Drawing-room of a Palace, *Henry* might be indulged in regulating the one, with no more notice than has been taken of the more courtly *Charles*, for limiting the number that should croud the royal apartments on presenting popular petitions. But the business is infinitely too serious. Nor does the cause, however menacing, justify the measure adopted, or render it necessary. They needed but to have hit upon a small part of what a very enlightened and firm friend* to the Constitution has lately proposed to Parliament, and all the evil they dreaded would at once have been avoided. Let them have divided the Counties into Districts, and taken the poll by ballot, and there would have been an end of *Riots*, *Batteries*, and perhaps of *Divisions*.

But if the measure taken by that act was as needless as it was wrong, what has it done to the country? No stride upon the constitution can well be spoken of more enormous. It changed the whole condition and capacity of our first and most natural franchise. It effected at once
that

* Lord Mahon.

that inequality in the *Representation* of which we complain; it robbed five parts in six of the people of England of that inherent birth-right, by the loss of which they became as much aliens to the kingdom and it's government, except in bearing all the burdens of it, as if they had never set their feet upon it's soil. On these accounts it was unconstitutional in the extreme, and ought not to have been endured a moment; nor should it now, any more than if it had been an express annihilation of all the privileges secured by *Magna Charta*.

Yet let us be rightly possessed of the principle: It was an insufferable violation of the constitution, but not merely as an *Act of Disfranchisement*. Such an act may be most purely constitutional, where it springs from a care of that great principle, which, as I have shewn before, reason establishes as the boundary of this and every other civil privilege; and that is, where the condition of the individual, leaving him not properly *free* to think and act for himself, would tend to subvert the public good proposed by the privilege. In this case, to *disfranchise* is to *maintain freedom* on it's own basis. Of this kind is an act of the last session of Parliament, disabling revenue-officers, while they continue in their offices, from voting at elections; which, if it be called an *Act of Disfranchisement*, though it is but in fact a *Suspension* of their franchise, is most perfectly agreeable to the constitution, and seeks to preserve the spirit of it in the purest manner: For here the right of suffrage was become overladen with an influence, which, though not precisely marked by any characters of original disability expressed in the constitution, was more sore and intense on the individual, and left him less free, than any other influence that had been described;—it involved all that
could

could arise from indigence, servitude, and nonage put together, to annihilate the freedom of the mind; and, therefore, though the *Representation* should receive the most ample enlargement, this should ever continue a disability, added to those which reason and the Constitution had before expressed; for it must ever be unreasonable and unsafe to trust the freedom of others to him who has no freedom of his own. The 8 *Hen.* 6. was then unjustifiable, because it was not founded on the preservation of this great principle; it was by no means of this pure complexion; it had no share in this constitutional test and vindication of disfranchisement. There was no pretence for saying, that they whom it disabled were not *free*; it was the avowed language of its own preamble, that they were *too free*. This act, therefore, gave a wound to the Rights of Englishmen, which nothing can heal but its own annihilation—a wound which has become deeper and sorer by the variety of laws relating to Elections, which have all built on this defective foundation, and by that means have added accumulation to the mischief. That time hath given it a sanction, will make no difference to an honest mind, which will reflect, that it is impossible to recover a pure system by compromising with those vicious introductions of principles, that suffered it no longer to be what it was.

But perhaps the case of Boroughs may appear more innocent. If these greatly preponderate over the more general Representation—if they admit to a right of suffrage those who by the last mentioned act are excluded from it in counties—if they convert what should be a popular Representation into that of a few, perhaps of a family, perhaps of an individual—yet they stand on a ground, which probably may present them to us in a more legitimate view.

Boroughs hardly more defensible, but for their antiquity.

I am not insensible that they are defended by circumstances of too peculiar a cast for a formal argument to impugn. It is not my intention to throw them into disorder. I shall be content that the best use be made of their present possession of the Commons-House, where that cannot be better disposed of, without ruffling that House and the national Representation too much. I am led to speak of them here only in such measure as may tend to fix right ideas of the Constitution, or to prevent wrong ones: and to this measure of observation the most interested man should not have any objection.

Boroughs have very great antiquity on their side. I know there are Boroughs by prescription, whose commencement can be referred neither to time nor instrument. But when we have said this, I verily believe we have said all; yet it is no trifle to be possessed of this circumstance. There is a *sacra arugo*, with which antiquity encrusts things, and which, while it is convenient to cover blemishes, men of the best sense will hesitate most to rub off, from a respectful reverence, not always absurd, for antiquity itself. But the case before us hath been assisted with more than the dead rust of antiquity. Venerable lawyers have transmitted through the successions of time, and generally with respectful mention, that exercise of the royal pleasure which gave Boroughs their birth. Let us not wonder that our kings, after the Conquest, assumed that exercise, when they derived it, with the other maxims of Government, and their own origin too, from *France*. Let us not wonder that lawyers, taking their principles of Constitution, as well as of common legal exercise, from precedents, should pass them down without impeachment. There is no class of men,
(with

(with but very few exceptions, which have chiefly been the blessings of the last hundred years, and the most valuable of them the blessings of our own day) who have in all periods done more mischief to the country, than these professors of the *black letter*; which not unfitly characterizes the dark ill-favoured times, and the unequal assumptions of power, whose registers it kept to embarrass constitutional adjustments for endless generations. Let us not wonder that the People made no difficulties or objections here: *Boroughs** were the original device of *Lewis the Gross*, to lift the meaner People into protection from their lords, by certain privileges and a separate jurisdiction: In *England* it raised at first into consideration and honor those who, living in a low neighbourhood together, without any particular civil tie, were in a station little better than servile: And afterwards, when the *Representation* came to be more regularly formed, the precedents, by which their own rank had profited so much, became too strong for any exceptions that improved good sense, courage, or policy, peradventure emerging, could make to their continuance.

We will not therefore disturb the general acquiescence, by disputing in the least the regal title to make *Corporations*; which, says one of these respectable lawyers†, *the King may do every day*; and, says another‡, *he may make as many of them as he will*§. But if *the king may do it every day, in what numbers he will*, and with all the present consequences of making *Boroughs* (which

* Du Cange's Gloss. in verb. *Communitas*.

† Finch's Law, cap. *Franchises*.

‡ Bacon's Disc. on Government 2d part, page 76.

§ As the Pope did Bishops in the Council of *Trent*.

is their meaning) it is high time for us in this inquisitive age to pause, and look at the authority. And a very short distinction will separate the chaff from the wheat. Doubtless the king may create what *Corporations* he will; but to invest them with a power of sending Members into the Commons-House, without the assent of the Commons, is not his to give *de jure*, how often soever it may have been done *de facto*. If his it be to give, then is that assembly dependent indeed upon him, by what constitutes of all things the fullest and justest dependence, *Creation* itself: and his *Right* being maintained by so unimpeachable a character to be *divine* over the whole assembly of the People, there can be but little colour or encouragement for individuals to resist the claim in any other quarter.

But how can the mind bring itself to the idea, that He on whose power the Assembly of the Commons was meant to be a check, should be enabled to give that Assembly it's members in what numbers, and gathered from what situations, he pleases? If it has the Rights of a separate Estate, those Rights can never grow from any other than itself. Shall a stranger direct me to the quarter from whence those are to be taken, who shall become the trustees of my own interests? It must be preposterous to conceive, that the popular authority, which gave the Crown it's prerogatives, should be necessitated to depend for it's maintenance on the gratuitous re-extension of what it had bestowed; that the currents, which rose from itself, must return back to feed the source which enabled them to flow. If the Crown might increase the Representatives of boroughs, no good reason, which goes farther than a difference, with some novelty, in the means, seems easily to be assigned, why it might not add of itself to the

Members

Members for Counties. And then where may the line be drawn to the extent of that Assembly; when not only every extension that is given to it is derived from favor, which carries the probability of a separate interest; but those, for whose account it is professedly given, have not the power of judging either of the whole extent, or on the due proportions which may appear to them proper to be assigned to the various combinations of interests, which form that august and extensive trust?

These circumstances have all been felt, and from the single cause at present before us, The royal favor, extended frequently to societies of its own tenants and dependents, has given the House of Commons at least three parts out of four of its Members: hence the numbers poured in by the Charters of Incorporation from *Cornwall*, the Demesne of the Crown, which having sent twelve members, in the time of *Edward I.* has now increased her amount to forty-four. Amidst these things the People experienced nothing but fluctuation in their own assembly. *Hen. VI.* privileged 17 Boroughs: *Edw. VI.* 22: *Hen. VIII.* 17: *Mary,* 14: *Eliz.* 31: and *James I.* 14. Perhaps it is not the least misfortune attending these events, that the People, as unsuspicious of consequences as they were inattentive to the power assumed, suffered the foundation of that inequality in their own Representation thus to rise, which has been the bane of their interests through every succeeding generation.

But to the dead all remarks are vain: We look forward to the living for their use. If the Constitution be thus unfavorable to Borough Representations, it

A glorious Patriotism in those that can give them up.
rests

rests with the patriotism of those individuals, on whom those local interests have devolved, and of the Commons at large, by ceding those personal aggrandisements to the love of their country, to relieve the freedom of it's Parliamentary Exertions from a weight that has ever born it down, and to amputate the branches that have hung so long decayed and rotten by it's side. Where by burgage-tenures these are become a property in individuals, unquestionably the cession of them should be induced by the most ample compensation; which the keepers of the public purse would find the most advantageous and most thankful mode of employing a part of the national resources; and being offered, would certainly leave those who should refuse it, to an issue the most unpleasant of any that could possibly attend virtuous men, and honorable citizens. For the rest which are more open, and therefore may truly be considered as public Property, (I speak not here of the larger Towns or Cities) less delicacy is needful. And the Public may derive a better use from the same numbers thrown into the counties at large. It would be a glorious æra for Britain, amidst all her distresses, could she see that day. Nor would they share least in the glory, who, by the disinterested surrender of private distinctions, or rather the exchange of them for more public enjoyments, should shew themselves capable of preferring to all selfish considerations a participation with their fellow citizens in the perennial lustre of national Freedom. They would become immortal in record. They would be entitled to a civic crown; for they saved the Constitution of their Country, and with it their Country itself, at their own expence. And if a further argument be necessary to a patriot mind, neither they nor their posterity need to fear, that having waved these personal advantages, they
shall

shall be undistinguished in the larger circles of interest. For the Man of Public Spirit, the Man of Consideration in his Neighborhood, the Man of great Abilities, the Honest Man, the Man of Sense, will more surely be looked for, and more highly estimated, by the Public, when his influence and abilities can be put to no other account than the disinterested service of his Country. And the applause he will then obtain, will not be the solitary echo of his own pride, exulting in it's exclusive power, nor the flattery of those who enjoy it at second hand, or of those few who are the humble instruments of giving it effect; but it will be the applause of extensive communities, whose partiality is judgment, and whose weight makes honor sterling.

C H A P. III.

The PERNICIOUS CONSEQUENCES of an unequal Representation, in the nature of things.

Representatives of small local interests never think of being accountable—such are constant materials for Ministers to work with—a singular apology for Boroughs answered—the danger of an unequal Representation illustrated in a striking instance—others more to be dreaded equally possible.

An unequal Representation mischievous in the nature of things.

IF the Representation, which appears thus grossly defective and abhorrent from the spirit of the Constitution, affected us only as we should be grieved to see a noble piece of architecture, or other compleat work of art, defaced and mangled in ruins; we might bear with what gave distress only to our taste. But our feelings are of an infinitely severer kind. In stating the pernicious consequences arising from the Representation as it stands, it may be thought that we have said enough even in the short detail we have given of the conduct of the House of Commons for the last fourteen years. To those, who are capable of conviction, it cannot be necessary to accumulate further proofs. But it may be conceived that those measures were the accidental events of the time, and sprung from the peculiar successfulness of a peculiar Minister in managing the House of Commons. We shall therefore add some observations to shew that, in the nature of things, the present Representation must be a continual invitation to the seductions of bad Ministers,

flers, and a continual temptation to the Representative Body to listen to those seductions.

If we are to retain the idea of any account to be rendered by our Representatives, certainly that account will be most likely to be kept in mind, when they feel themselves dependant for their trust on larger and more general communities, undiminished by those distinctions of property, which tend to lose the right idea of a Community. For no personal favor can be depended on to carry away Communities like these from their natural judgment of things. But when we look for the Representatives of *England*, we must not go to larger Communities, but to nooks and corners, for at least three-fourths of their number. And what can these nests of interest produce, but Corruption, or an unawed Capacity of it, thro' every stage of the business, and in all the persons concerned? What restraints can he have, from the sense of a Constituent Body over him, who is returned only by a handful of Electors? The question advances still progressively in it's force, should those Electors be his own friends or dependents; should their title to suffrage be his own estate; should they be his own family; should they be only an individual or two, created for the moment by himself; should there not be a single one to be represented, but merely a despicable spot of earth, or a few antiquated stones in the wall. Let measures as servile to those of whom he should have been jealous, and as ruinous to the nation at large, as can be conceived, have marked the progress of his parliamentary trust, not a thought of those, to whose voice he goes back for a renewal of that trust, occupies his mind. Why should it? The account he has to give amounts to nothing; it never can amount to more, where, supposing some in

Representatives
of small local
interests never
think of being
accountable.

these confined circles intelligent and disposed to ask questions, private influence can easily stop these little currents, or divert them into it's own prevailing channel.

Such are constant materials for Ministers to work with.

Here then is a direct nursery of mischief to the Country. Here is a standing supply of materials for every minister, with which he may execute his plans, and on which he makes a very serious reckoning, when he enters on this arduous field. I must not blame him, as things stand; he cannot do otherwise, with assurance to the public business: However, to hold himself superior to all compacted dependance on their support, he must be cast in a mould of talents, integrity, and good fortune, of which this country hath yet seen but one ministerial original in the immortal *William Pitt*. With these instruments he may go on even against the sense of the nation given by those Representatives that most properly express it. This is a calamitous effect of these partial and local interests, which every Minister that uses them acknowledges at the time in every stronger measure of Government. No man looks on their support in the same satisfactory view as on that which is given by the Members for Cities and Counties; and therefore no Minister, contemplating any daring measures, ever brought them forward, till he could give himself the confidence of finding at least some share of the latter in the support of his views. Of this let the present American war give the proof. For sometime an embryo of the Cabinet, it burst not it's shell, till some part of the *Country Gentlemen*, properly so called, or County Members, were brought to favor it's birth, and foster it's growth. With the sanction of these, the fact will justify me in asserting, that this deplorable war, deprecated, execrated, disavowed by the far greatest part of the nation, rushed into being infinitely stronger

stronger and better-favored in the Minister's eyes, than if it had been legitimated by the concurrent voice of King, Lords, and Commons, the *Country Gentlemen* being no part of the approving number.

We repeat it therefore again, here is a direct nursery of mischief to the country. An apology has lately been attempted for these local infractions into an equal Representation, by an ingenious Gentleman*, who has given a different turn to their effects. He says, "they are an useful nursery for bringing forward succeffions of genius to Parliamentary dignity." This is undoubtedly original. No soil less fertile than his own could have conceived it. Whether he means to tell us, that Genius is a Plant, which thrives best under partial suns, with more limited culture, and in a soil confined, where fewer means contribute to push it's rising head into all it's full-blown honors, I leave to his own explanation; in the forming of which a moment's retrospect on the experienced climes of *Malton* and of *Bristol* will not be amiss. Or, would he insinuate that the situations, which are favorable to *Country-Gentlemen*, will give no opening to Genius? Or, are we to understand, that adventuring abilities are salutary to the politics and the good of a country, and ought to be encouraged at every consequence? In my opinion, though the encouragement of Genius be the most honorable idea in the human mind, yet in a political line the good of it is equivocal to the constitution and the country. The former cannot commonly need it: That is fixed and certain, and prefers it's own plain and stable principles to all brilliancy of color-

A singular apology for Boroughs answered.

* Mr. B—e, in a late speech in the House of Commons.

ing. The latter must wish for ever to be the nurse of talents, from whence she may derive not less intrinsic advantage than splendor in all her contingences: But she may also be ruined by the ambition of those talents, or the wrong prejudices they take, both in the important interests that are agitated for the time, and in her constitution for ever. In the case of that Honorable Gentleman himself to whom I allude, if those talents, whose introduction into Parliament he has modestly quoted as a proof of the utility of Boroughs, had been as friendly to the People's share in the Constitution, as they are enviable in general learning, perhaps the objections to his apology had not now presented themselves so strong: certainly it would have been a pleasure to have seen that a mind, so elegant in other respects, was not marred by a fatal want of judgment, and by a palpable sacrifice of it's sense to it's passions, in every thing that concerns the Rights of his fellow Citizens.

The apology therefore of that Gentleman is somewhat too visionary, if not too vain; and I must beg the Reader's pardon for having been a little visionary in following him. I will suggest to him a more natural and real tendency, to which these local Representations serve: and my idea shall have nothing visionary, but what we see and feel, and have been sickening under for an age. They are nurseries for jobbers, placemen, pensioners, dependants, tools, and adventurers of every kind; for all, who have got a notion of the Trade of Parliament; or, in other words, who are content to serve, and wish to be served themselves; for all, who seek to prey upon the vitals of the Country; all, who have preyed on them, and wish to be screened by Ministers; all, who cannot hope to obtain from a discerning people at large the
very

very important trust of deciding in all that is dear to a people.

I return therefore once more to my assertion, here is a direct nursery of mischief to the Country. If from the habit of seeing these effects, they lose the appearance of abuses, and diminish our apprehensions of their danger, let a stranger, who is under no prejudices of the place to take off from the credit of his report, come forward to shew what is to be dreaded—a stranger, who has seen to another end of the earth the opportunity that is given, by the present state of our Representation; to the playing of any game upon Parliament by those whose interest is of magnitude enough to induce it.

The danger of an unequal Representation illustrated in a striking instance.

An Asiatic Prince, the Nabob of *Arcot*, finding that the concerns of his extensive territories were likely to change hands from the India Company to the Parliament of *England*, soon catches the system by which a door may be opened for the introduction of his own importance into that Assembly. He opens his coffers: He transmits a sum of money sufficient to purchase eight or nine of these local Representations, which are filled with men inseparably connected with his interests. Whom do these men represent? Any part of the People of *England*? No. The Nabob of *Arcot*. And the seats they hold have more immediate reference to the dominions of *Indostan*, than to the empire of *Britain*. *India* is far more virtually represented by them than five-sixths of the People of *England* are in their own House of Commons. Does not this instance strike us with confusion? How horrid, how intolerable, must be the Representation of a Country that can give room, and so easily, so constantly, to a possibility like this? Did our forefathers dream of

such

such a thing? And will their sons, to whom so glaring a proof of the desolation which hovers over the primary security of all they have, is reserved—reserved in the kindness of Providence, to give us that full sense of our situation, from which there is no retreating—will they, either from an indifference to what is best for them, or from the interruptions of private interests, suffer so disgraceful a depravation to continue of, what any country upon earth would value beyond expression? For, supposing the Representation to rest more equally on larger divisions of the People, is it possible for practices like that I have mentioned to succeed? Could those men, though Englishmen, yet unknown in *England*, or worse than unknown, find their Elections then so easy in Counties or in many Cities? The Reform would be Death to their hopes. It is not the revenues of a Nabob, nothing less than the treasures of *Delhi*, could be competent to the corruption of extended Communities, and reap any plenteous harvest from it. And were the return of Elections made more frequent also, even Asiatic coffers would languish under the drains that gave them no respite.

Others more to
be dreaded,
equally possible.

But the reasoning, which arises from this extraordinary instance, by no means terminates with it. What an Indian Prince saw encouragement to attempt, may be accomplished more formidably by one nearer home. Suppose the Court of *France* was to take up the idea of devoting in this way but a very few of those millions, which she in vain employs against us in naval exertions. As the facility of doing it is unquestionable, so the consequences to all that is dear to us must be plain. I believe in my conscience, that one able man in *St. Stephen's* Chapel would go farther towards accomplishing her views

views in this war than a thousand soldiers landed on this island, or a moderate ship of force added to her line. And I have not a doubt but a single million, employed with secrecy, could make it's way on a General Election, through that vile Representation of our country, so as presently to bring us into whatever sacrifices a well-managed policy could draw from the resolves of Parliament. And can we be satisfied to stand in this predicament? Whether it be probable that we may ever thus fall or not, is not the question. The Representation leaves us a prey to every invader, who may be bold enough to lay hold on us in this way: It gives an opening to any depredations, which any individual within, or any enemy without, may think worth while to attempt: At the same time to the People at large it is the farthest from what can deserve the name of security.

C H A P. IV.

First Advantage that will result from a reformed Representation: ARISTOCRATIC PARTY annihilated.

The unnatural and disproportionate grasp of Power by the Nobility—but most inordinate in those who feel the spirit of Aristocratic connections—both to the sovereign authority—and also to the People—the views of 'Aristocracy favored by an unequal Representation; by Boroughs—more completely assisted by the Statute 8 Hen. VI. by which Counties became but larger Boroughs—property the foundation and genius of Aristocracy—Similitude between the Aristocratic regulation of Election by Servius Tullus and the statute 8 Henry VI.—Aristocracy by these means knit into a Faction—and uniform in the means of preserving it's power—as professing patriotic principles, these bounded by an opposition to royal prerogative—the Patriotism expected by the People broader and more radical than this—the People constantly deserted by the Aristocratic Party on constitutional points—a tribute of respect to the private virtues of many who compose that Party—how a reform of the Representation will naturally annihilate it—such a Faction annihilated, every branch of character will feel a new Being—the Man of Abilities—the Minister—the Crown—the Country at large—answer to part of a late Speech at Westminster—and to similar matter in a Pamphlet, entitled, Thoughts on Discontents.

IT is painful but to touch superficially the disorders arising from a subject, on which every country that would wish to be free or wise must feel with so much sensibility as on that of a national Representation: and therefore

therefore we dwelt as little as the matter would permit us on the last part of our enquiry. We enter now on a more pleasant division of our subject, the *Advantages* that will result from a constitutional correction of those disorders.

The first advantage I shall mention is, that it will cut up the undue influence of Aristocratic Party by the roots.

In a disordered Government we naturally expect to find the component parts respectively gaining or losing some ground upon one another. But in no Government, founded in general freedom, was there ever seen a more absolute absorption of all the genuin vigor of the other parts, by that which in essential operation was the least important of all, than in the strides and the pretensions of that Aristocratic Party, which has long either dictated the rule to this Country, or rendered it difficult for the executive Power to conduct it: In *Rome*, where the main Body of the Government was one, the Senate, and that Senate was all Patrician, we cannot wonder to see the Patrician Spirit, the Patrician Power, in all things, and all things drawn into it's vortex. At *Venice*, notwithstanding her State Inquisitors, and her distribution of the three great Powers of Government, the legislative, the executive, and the judiciary, into three several tribunals; yet these are but so many branches of one and the same body, the Aristocratic, whose preservation is the object of her Inquisitors, and whose power is the center of all her tribunals; we cease, therefore, to be surprized that this over-ruling influence leaves the Doge a shadow, and the People a cypher. But in *England* the Constitution has taught us to look on the Nobility with a different

The unnatural and disproportionate grasp of Power by the Nobility.

H.

view,

view, as an important and dignified branch of the Government, but neither as original in it's consideration, nor as extensive in it's claims, as either of the others. 'Tis therefore more enormous and unnatural, if Aristocracy here should become predominant; if like that of *Venice*, it should make the Monarch a Doge; or, like that of *Genoa*, it should leave to the people only the importance of administering the Bank of *St. George*:—an importance, which is all, I fear, that the People of *England* can claim, and with much disadvantage compared with that of *Genoa*: For the latter, by administering the Bank, acquire a very powerful influence in the Government; the former keep, 'tis true, the purse of the nation, and administer it's supplies, but in this they are become too much the instruments of the Nobles, who tenaciously keep the key which excludes them from the emancipation that would make even this privilege of value.

It is sufficient to say this of the Nobility as a Body. Were we justified in bringing the whole of it into that combination of Aristocracy which we have in view, and which is very well understood in *England*, it might be proper to shew the true limits of their power, by their original destination in the monarchy, and the portion of check which is given them in the legislative counsels. This is not necessary here. Yet we cannot equally pass over other circumstances which, whether they naturally apply to all that are ennobled, I will not say, but certainly they form a very striking feature in those, whether within the Body of Nobility or out of it, whose minds feel the spirit of Aristocratic connexion, and are formed to the habits of it. What I mean is this: There is no description of men in a state, who are less inclinable than these to keep within due limits, more disposed to enlarge their

But most inordinate in those who feel the spirit of Aristocratic connexions,

their strides, and more tenacious to maintain those strides they have taken. A glare of greatness, which pure democracy expects not, and therefore does not feel, and which royalty thinks not of, because a much purer splendor is inseparable from it, impels the mind wedded to Aristocratic connexions to make the compass of it's power as large as the passion which fills it. Hence it often happens by an unhappy fatality to the royal fountains of honor, that the streams they give turn back to pollute their head: Kings, as well as a greater Creator, give an honorable existence to many beings, to receive annoyance in return. They array themselves with satellites, but to rob their planet of it's lustre. These are not mere images in the history of nations. In every monarchy that hath been known, Aristocratic factions have left indelible marks of their unsatiated views; not merely to give limitation to the sovereign authority, but to render themselves independent of it, or even to extinguish it. Thus the Kings in ancient *Italy*, and ancient *Greece*, were at last destroyed and exterminated. In more modern times, the same powerful factions successively overturned the numerous monarchical sovereignties, which had been raised in *Italy* on the ruins of the Roman empire, or established in other parts of *Europe*. Look, for instance, to *Sweden*, *Denmark*, and *Poland*: There factions of Nobles have commonly reduced their Sovereigns to the condition of simple presidents over their assemblies, and mere ostensible heads of the government. If in *Germany* and *France* the monarchs proved better able to maintain themselves against the same combinations, it can only be ascribed to the strength they received from their considerable demerits. Thus it has fared with monarchs in all ages, from Aristocratic factions. Whether the People have had less to complain of, let the history of every country

Both to the sovereign authority.

And also to the People.

under Heaven, whether Monarchic or Republican, bear witness. I ask not that you should single out the oppressions, the secessions of the People, the general convulsions, which the Aristocratic spirit hath produced. This were to take the most unfavorable view of it, as enforced by *bad* men in it's extremes. But look at it's complexion in better times, and in the hands of better characters. Recollect the embarrassments with which, in moments the most trying to a public spirit, they have clogged not only the national interests, but the sovereign authority, on any acuter jealousies of power: and in this account let not the memorable events which our own country will furnish in the years 1746, and 1782, be forgotten. The fact is: If they have not oppressed, yet they never would relieve, where the relief would lessen their own sway. They might possibly loosen some shackles imposed by another power, but they were never known to relax their own. In this case they changed hands, but no more. If they released the People from a *Pharaoh* and his task-masters, they became the task-masters and the *Pharaoh* themselves. The reason is, Distinction is their principle. They cannot level themselves to equal participation. Let a most respectable authority * close these remarks with a characteristic of the Aristocratic temper, which comes home to all we have said. *This spirit (says he) may think it an honour to obey a king, but considers it as the lowest disgrace to share the power with the People.*

If this is the natural turn of the Aristocratic spirit, circumstances of long tenure in the legislative power of this country have lent it abundant gratification. In ad-

* Montesqu. Spirit of Laws, vol. 1. p. 151.

verting to these circumstances, our attention will be brought back to the great national evil, which is the object of our writing.

In the unequal Representation of the People we shall find the cause which hath lifted up the Aristocracy of *England*, and lifted it into faction. What do we call a Faction, but the power of a part, usurping what is of more diffusive Right, and counteracting the more general interest for the security of itself? Let us watch the progress of Aristocracy in *England*, by this rule.

The views of Aristocracy favored by an unequal Representation.

The moment a Borough was created, and not in a great city, a foundation was laid for subjugating a whole People to the power of a few. For a series of time the evil lurked unseen. Even when the extension was made to greater numbers, the power conveyed rested with the incorporated individuals, or those that filled their places. But presently this must abide other events in the revolution of things. The great man rises. The rich man becomes conspicuous. Ambition points out to each the flattering consequence that awaits political distinction. Their grasp is opened to the means; and in the change, which time has introduced into private Incorporations, they find them. Is the power annexed to tenure? It becomes the object of purchase, and wealth makes it its own. Is it annexed to partial Election? Surrounding property, and surrounding influence, still spread a net from which it is not easy to escape; till as time and some variation of circumstances strengthen opportunities, that which rested in a few unconnected persons is transferred to the dependents, or perhaps to the family, of a potent individual.

By Boroughs.

Thus

Thus by degrees Boroughs came to acknowledge private lords, instead of public objects; and by this mean a very large share of political importance was acquired at once, not only by those who meant to figure high by this interest in the Assembly of the Commons, but by many Peers, who had caught the idea, that without this branch of Parliamentary interest, even their nobility left their weight in the State too sensibly defective. But this is no tall. The importance, which was then opened to the Great, became encreased and confirmed by that infamous statute passed in the 8 Hen. VI. which without reason, or pretence of reason, threw the Right of suffrage in Counties from *men* to *property*. This act was as it were a call upon Aristocracy to rear up it's head: And from this moiment it felt itself erect; it became fortified, Some outworks it had obtained before, but now a line of circumvallation was compleated around it. By that line the most extensive scale of Parliamentary Representation was brought into a more convenient compass for the personal influence of powerful individuals to turn to their own advantage. Even Counties were now rendered but a larger sort of Boroughs. By narrowing the power of Election within lesser numbers, and so much lesser as it was then reduced to, that power was evidently brought within the nearer reach of property: and by confining it to property alone, it was in a manner thrown into the hands of those who should possess a large share of the Country, if not by what they possessed, or by portions carved out of it, yet by the influence that is inseparably attached to it.

More completely assisted by the Stat. 8. Hen. VI. by which Counties became but larger Boroughs.

Property the foundation and genius of Aristocracy.

The fact is, that property is the very genius of Aristocracy; this has it's foundation therein, it cannot thrive upon any other system, but that which is partial to property. And therefore in every age, and every Country

upon

upon earth, which has been favorable to Aristocratic views, the laws, or at least the internal regulations, have ever manifested a strong bent to give property the advantage over every other Circumstance. Let us call to mind the well-known regulation of the Right of Election by *Servius Tullus* in the very early days of *Rome*. In spirit, intention, and effects it was exactly of a piece with the statute of our *Sixth Henry* above-mentioned. He divided the People into one hundred and ninety-three Centuries, giving to each Century one vote. Now tho' ostensibly he comprised all, yet was this an arrangement of property rather than persons; and with property the whole command of Elections rested. For he appropriated ninety-eight of these Centuries to the patricians and leading men, which was giving them an absolute majority of the whole by three. But this was not all. One half of the other ninety-five he filled with Citizens of a middle class, down to the level, as we may imagine, of our Freeholders of 40s. *per ann.* For the poorer sort, comprising all that subsisted on manual labor, he threw into the remaining centuries. So that the leading men, not only by the absolute majority of their own voices, but by their influence over many in the next classes of property below them, hardly left a visible interest uncovered by themselves; and the far most numerous class of the people, though treated with some little more ceremony than the People of *England* were in our *Henry's* reign, were, in every rational sense of things, no less disfranchised than those who fell within the scope of *Henry's* exclusion. Had *Servius Tullus* conceived the foolish idea of a virtual Representation, possibly the little ceremony he bestowed on the bulk of his people had been spared. However, a most decided support was here given to Aristocracy, and on it's own favourite idea. The distinction was drawn

Similarity between the Aristocratic regulation of Election by *Servius Tullus* and the Stat. 8 Hen. VI.

between

between *Person* and *Property*, and the preference to the latter was marked as strongly as art could do it. We will only observe further, that this overbearing policy continued, till after various struggles by the People to break down the old preference and distinction, and to recover *Persons* to the consequence due to their numbers; by calling them out to vote no longer in *Centuries*, but in *Curia*, and afterwards by *Tribes*, it ended in the unhappy establishment of the *Plebiscita**, which was precisely tantamount to the exercise of legislative power by our House of Commons exclusive of the Peers.

Let us profit by the example. Without timely prevention it will recur for ever, in one violent shape or another, from every people in the world capable of free sentiments, and once sensibly touched with the disparagements established upon them: And this timely prevention honest men, who have the power of it, will not be backward to give. What room have we for a credit of this kind to the Aristocratic spirit of the Country?

Aristocracy by these means knit into a faction.

Possessed of the advantages above-mentioned for a strong Parliamentary interest, they naturally make a common cause, and become lifted into Party, as individually they were lifted into power. The power, which aggrandises a few at the expence of the many, calls upon those few to find in combination what may sustain them against the many. There is an everlasting jealousy attendant on the mind, which exclusively enjoys what it ought but to participate. And when we consider that there is not a feeling in the human breast more ardent than that of power, whenever by accident or by industry, in mode or

* Dion. Halicarn. lib. 6. p. 410. lib. 7. p. 430. lib. 11. p. 724, 725. Livy, lib. 3.

in extent, we are become possessors of more than in natural fitness appertains to us, or of so much as leaves considerable numbers dissatisfied; the case then assuredly exists, wherein faction finds it's commencement. It must find it in self-love; it will find it in self-defence. It will find it not perhaps from hostility to the society, or to those classes whom it hath disparaged; but from a belief, partial to itself, that neither society, nor any of it's classes, will be the worse for the hands into which the power is become narrowed.

In this progress of self-preservation, as sacred to it's views as what most purely deserves the name, it will move, and ever has moved, by an uniformity of plan, attentive to every means, which can usually make and bind a party. Among these we are not merely to expect those abler managements of times and things, which mark the great political character. Parties are strengthened by other things than by wisdom, or an union of manly measures. Even the passions are made to bend this way, and unions of a different kind occupy no trifling attention, for the political as much as the tender cement they bestow: though if this mode of strengthening modern Aristocracies as well as the old had not been made the subject of a serious censure by *Montesquieu**, we should have suffered the subsisting evidences of it to have sunk in their own littleness, and should have left to the Aristocracies of old the ungraciousness of rendering the most honored of the female sex the instruments of disparaging a people, and perpetuating obnoxious factions to the world.

And uniformity
the means of
preserving it's
power.

* Vol 1. page 68.

As professing
patriotic prin-
ciples, these
bounded by an
opposition to
royal preroga-
tive.

But it is not by acts of *positive* support to itself, it is by those of a *negative* support to the country, that such a faction presents itself in the most unfavorable view. That man gives a negative support to any cause, who barely does it no mischief: as he is a man of negative virtue, who just avoids the committing of any vice. In this idea, we pay the Aristocratic party an apparent compliment, by supposing them by no means the enemies of their country, but rather ostensibly it's friends. It is best to speak out in the unequivocal simplicity of truth. They are Whigs. As such, they possess the only principles of a just and happy administration of Government, as settled at the Revolution, and the only cement which can bind together an administration happy and beneficial to this country. For the same reason they are friends to the freedom of the Subject. But how? To Freedom, as at the Revolution it was adjusted; that is, as opposed to royal prerogative. What was then gained to the Constitution, and to popular Freedom, was chiefly gained in this view. Farther than this, or in conflict with any other circumstances which might narrow it, the freedom of the People found no reforms to it's extensive claims. What gave the dimensions then to constitutional freedom, as opposed to the Crown, gives the dimensions to the patriotism of the Aristocratic party. In opposition to the Crown, they are the friends of the people; they abet the popular cause; they come forward with their countenance, and with a willing lead, on all occasions that take this ground, Is an administration corrupt? They look not, they desire not to look, any farther for the cause than to the growing influence of the Crown. Are corrections necessary to this corruption in the very seat of legislature? They will give it in those branches of office, or those temporary and accidental abuses, in
whose

whose correction the Crown will feel itself weakened ; but the root of all, which would bring up with it abuses more inveterate, they will not suffer to be touched. Do miseries accumulate on the Country ? 'Tis the ambition of the Crown has brought them on. Is essential liberty verging to it's ruin ? 'Tis the Crown alone has generated and matured the danger.

But the People look with broader views, and at the same time more direct to the cure of their own evils. The People are straight in their ideas, because in grievances they can have no partiality or preference : degrees of abhorrence they may have, and these rise highest to the grievance that is most radical. They know that the same source which gave the Crown any corrupt power in Parliament, first gave an undue one to individuals of their fellow-subjects. They know that were they released from the whole loins of the Crown, the bare hand of Aristocratic party would leave a weight hardly lighter on their necks than those loins themselves. They look therefore to the bottom of the malady. They dwell not on partial excrescences. They seek remedies, which shall leave the Constitution pure. But this is friendship to the Country. This is disinterested patriotism to the whole Government. Say rather, this is death to those whose power arises from abuse, and depends for it's continuance on the exclusion of a radical reform. Let the Aristocratic party answer for themselves, how often in public conjunctures they have started aside like a broken bow. How often in the numerous occasions which have brought them and the People together in the course of late Administrations, that have unhappily filled the Country with discontents for a course of years, they have deserted the public ground, when once thus broadly taken,

The Patriotism expected by the People broader and more radical than this.

The People constantly deserted by the Aristocratic party on constitutional points.

or have marred it by some artful measure, of more shew than moment; and thus have brought discerning men, after repeated experience of these things, to the verge of guarding a credulous Public against the patriot professions of a party, more dangerous to the People, because they rank as their friends, than those obnoxious Administrations, against which the People needed no guard, because they expected no good from their hands.

The more we were to enquire into these occasions, the less we should see of the spirit of the true English Barons, standing forth on the call of public discontents. In the great Charter they stipulated in favor even of the Bondman. But we might now more fitly conceive ourselves surrounded by the Peers of *France*, who in treaties with their princes vouchsafed not a thought about any other order than their own*.

I cannot satisfy my own mind, any more than I should satisfy my Readers, or the fit notions of justice, in having made these general reflexions, without descending to some particular references out of many that may be made. I shall keep within very recent memory. We have not forgotten what share the Aristocratic party had in the Administration of 1765. Mr, *Wilkes* will remember it. I appeal to that Gentleman for the pains which were taken to narrow the great questions that arose from his

* I have my eye more immediately on the famous treaty made at *St. Maur*, between Lewis 11th and the Peers of France, and which was made to terminate a war that was called a War for the Public Good. Not a single provision was included, but concerning the power of a few lords; not a word was inserted in favor of the People. This treaty may be seen at large in the *pieces justificatives* annexed to the *Memoires de Philippe de Comines*.

personal case, and to keep from parliamentary discussion every thing of a constitutional complexion, which might embarrass, if not render precarious, the Ministerial situation. The Administration of that party was but short. Its opposition seems by Fate to be everlasting. In the latter therefore we shall have the more to refer to. Were *Calcraft* alive, he should speak. But Mr. *Sawbridge* shall receive the appeal in his stead. Let that Gentleman say, and for the sake of his own principles let him not forget, who fled from the support of the people, thirteen years ago, in a point of the first constitutional magnitude, and after a solemn compact to maintain it. Mr. *Horne Tooke* could well explain what resolutions were excited by that transaction, and what persuasions prevailed to consign them to silence. I appeal not to one, but to the whole Committees of *Middlesex, Westminster, Surry, and Bucks*, from what quarter proceeded the strenuous endeavors to confine the views of the Associations, then newly formed, to the rubbing of the old sore of enormous influence, and the new one of enormous expienditure, in the Crown. When the Delegates met in 1780, I appeal to Mr. *Baker*, among others, for the extraneous interference, which was so anxious to derange the constitutional comprehension of their resolves, and having effected by manœuvres the over-reach of the 20th *March*, left the friends of the People to make the most of the cause, whose vigour and contexture their own credulity had weakened. I forbear to appeal to the private *scrutoire*, which may yet contain the *Memorandum* agreed on at that period by some distinguished characters, for the preservation of good faith and a right understanding in the furtherance of certain constitutional reforms; or to the private memory, which can best explain how that *Memorandum* came to be no better than waste paper. I will not appeal to Mr.

Burke

Burke for the reasons which then brought forth his laboured Bill. All who had sense to observe, and eyes to see, might and did figure to themselves the vanity or the tricks of a man, who, to restore a sickly and cankered tree into health, should amuse himself and it's deluded owner with barely picking off the curled leaves and their vermin from the branches. But a later period hath seen the same Aristocratic party once more in possession of power, which, tho' very transitory indeed, was long enough to afford an additional reference. I appeal to his Grace of *Richmond* for the proof of the Compact, and to the Hon. *William Pitt* for that of the Desertion.

Pars etiam mecum quædam moriatur oportet :

Meque velim possit dissimulante tegi.

Si vox in fragili mihi pectore firmior ære,

Pluraque cum linguis pluribus ora forent ;

Non tamen idcirco complecterer omnia verbis,

Materia vires exsuperante meas.

OVIN'S Trist. Eleg. 5.

This is a Cabinet of Curiosities, and attended with an uncommon quality, that they are more valuable in their use, than pleasing to the view. The hand which exposes them does it, I am sensible, with some temerity, and no trifling risque. I know full well, that the pen which writes these lines is sharper than the keenest axe to cut asunder the planks of friendship, on which I have stood, or thought I stood, for twenty years. But the test of all virtue is in the sacrifices it dares to make in the day of trial. The time is now come, or never will, to set the Constitution and the Country on their legs ; and I embrace it.

Here then is the detail of the Aristocratic Party : In the progress of which I have felt a very sensible concern, that the exposure, which I have been obliged to give of political circumstances, hath seemed for the time to throw too much out of sight the satisfaction I enjoy in contemplating and expressing the abundant private virtues that distinguish many who compose it. In the view of personal integrity, it is impossible to select better examples. The name of *Rockingham* will not obtain, from the superstitious veneration which follows the dead, more heart-felt sensations of affectionate regard than his universal goodness as a man, and the perfect integrity of all his personal transactions as a Minister, commanded when living : And I will add this further tribute to his memory, that had he been left to himself, had not his partialities listened to those, who never had his judgment, or his moderation,, or his love for his country, but thought to flatter his political bias, or to feed their own, I have strong reasons to know that in many instances he would have bent much from the rigid policy of his party, to make the country happy. To *Portland* every mouth must give every virtue under heaven. It is impossible to say more : nor will it diminish the value of what has been said, that in the distributions of political power they had, or they have favouritisms at heart. Power is a natural exception from the general principles of passion, at least, from the strict notions of moral turpitude, into which the passions may run. From habits of sentiment however, somewhat justified by the world, if not in the purity of things, very honest and well-meaning minds may see no infringement on the rectitude of personal character in the affectations of political power. Let this apology be sufficient for their virtue. Our's, as the People, must have it's own aspect too. We may admire the goodness

A tribute of respect to the private virtues of many who compose that Party.

of

of their hearts, but we cannot consent to their dominion. Not all the virtues they possess can justify the system they would hold either over the Crown or the People. It is unnatural in this country, and therefore ought no longer to be known. And I must protest for myself, feeling the duty of an Englishman to know no powers over him but those which are natural in their kind, if I am to be narrowed in my freedom, I will much sooner receive the restriction from the Crown, than from my fellow-subjects with all their virtues on their heads. While a trace of the monarchy is to remain, it is impossible that a different sentiment can be just.

Is a Reform
of the Repre-
sentation will
naturally anni-
hilate it. ;

We are prepared now to judge of the views and effects of Aristocratic Party, and how far it is the interest both of Prince and People to annihilate it's Power. If the question be asked, how will the *Representation*, when constitutionally corrected, do this? The answer is plain. That which derives all it's advantage from the inequality of power, must be gone, when the Power out of which it grows is rendered equal, or in proportion to the equality that succeeds. If the Great are enabled to become a distinct party in the country from the existence of Boroughs, and from counties being made in point of suffrage but a larger sort of Boroughs; either amputate or reduce the former, and give the latter the extent of suffrage which befits the name, with the increase of Members that shall befit their rank, and the cure of the complaint comes naturally forward by removing what fed the disease, and applying what tends to defeat it's return. In the great mass of people, through whom the origin of parliamentary power shall then be distributed, where shall any individual of whatever rank
make

make sure of an interest that shall enable a party to rear up it's head?

Annihilate faction, and there is not a branch of character in the Country, that will not feel itself raised to a new Being, and new Capacities. The MAN OF ABILITIES will then come forth as he should do, and take the place in his circuit which is due to abilities, and which every wise system will give them. Nothing will still hinder the man of rank and fortune from possessing respect, and even degrees of influence. But the fool of fortune can never shine at large under this reform, and much less lead a Country. Abilities conjoined with rank will most probably give not a jot less power than any such man now enjoys: But that power will be personal to himself; it will neither make the head of many others, as dependent upon him, nor pass by hereditary descent to those that are less gifted. Has the Country an evident interest in such a course of things, or has it not? Ought any man to look for more than in this medium is before him?

The MINISTER will feel a situation, which has hardly ever been the lot of his office. If incapable or corrupt, he must expect a speedy extinction. If he be the upright man, if he be the friend of the Country, he may bid defiance to every thing within the walls of Parliament that would shake him. For there is no power derived from the People, that stands now between him and that People, or between their voice and him. Faction therefore loses it's name, or however it's effects, both in succour and in terror. Where a whole nation, or the bulk of it, supports, on an enlarged scale of Representation, with more frequent Election, whence can the opposition come, that

can be formidable or lasting? Where a whole nation, or the bulk of it, condemns, whence can arise the party to preserve him in the office when his power is gone? Seated in an assembly that springs from the whole People, he sees himself surrounded by characters, that make the office he fills either perfectly happy, unembarrassed, and honourable, or the forest of plagues. For they are all, in every sense of the word, those *Country Gentlemen*, whose voice is even now considered to sustain or exanimate, as they rise individually from large portions of the People. Or, if there still be a party there, it will be his emulation to make it such a one as distinguished the days of the immortal *William Pitt*, when party was forced to melt into the general voice, and uncourted poured its involuntary support on that genuine MAN OF THE PEOPLE.

The Crown.

What THE CROWN will gain in circumstances not to be impeached, nor constituting the least portion of public advantage, we shall shew in the ensuing chapter.

The Country at large.

THE COUNTRY AT LARGE will see it's way more fairly open to such a participation in the fruits of public patronage, which are the common stock of the Country, as shall respectively besit it's Individuals. Under the prevalence of an Aristocratic party, what portion of regard doth the country obtain? What do we see that bespeaks the first desire of an enlarged mind, possessed of the impressions of Greatness? Such a one by a natural impulse looks out for merit, brings it forward into countenance, and feels no greater pleasure from his power than in making it the nursery of talents, which will be valuable to the Country, happy for the age, and honorable to him that raised them. This never fails to actuate, in
a high

a high degree, every great mind, even under the peculiarities of political managements—those only excepted, who feel the spirit of Aristocratic party. What makes it's way to them must come through an Aristocratic medium. They transfer no countenance but to those, who are weighed in their own scales, or perhaps will not bear to be weighed at all, but are the mere appendages of a party, as the faggots that make up the muster of an army. Then, no matter how well or ill-directed the patronage may be. The clumsy and illiterate are pushed into ranks, which they know not how to sustain; and the low unprincipled parasite eats the bread that should feed the independent breast. Emoluments are crowded on individuals: nor does the overt-act satisfy: jobs are done in secret, for a nest to the hypocrite to every principle but the exclusive rule of his party. A Minister, disengaged from the pressures of such a faction, must feel himself happy. And till then he never can feel himself great, by that liberal exercise of the national patronage, which is most consonant to true ambition, and alone can satisfy the feelings of a generous mind.

But before we dismiss the Aristocratic party, we must beg leave to say a few words on a very extraordinary observation made by a very extraordinary Gentleman * in his speech to the Electors of *Westminster*, on the 17th of last *July*. The Observation I refer to is this†: “That when the Representation of the People shall be reformed, it will put us more than ever to the necessity

Answer to part
of a late Speech
at *Westminster*.

* The Hon. C. J. Fox.

† I don't trouble myself to compare this statement with any printed Speech. I put it faithfully as I heard it from his mouth.

“ of looking up to particular lines of public characters, to whom we may wish the power of the Country to be committed.” I need not change the words, they are plain enough of themselves to say, that then the existence of a party, and the attention of the People to that party, will be more important than ever. This is a trial indeed on the common sense of mankind, to which nothing less than an uncommon preparation of character can be competent. What! when the People are become the real and effectual spring of that share of power which belongs to them, must the issue be, and must they have that issue in contemplation, to commit it again to other hands, to look up to a party, for it's security? When they shall have rescued their own compleat check in the Constitution from it's oppression, is it but to surrender it again, that it may be once more weakened, if not lost? When they have recovered their Rights, is it needful to look out for those, who by the encouragement of a strong confidence may abuse or swallow up those Rights again? Yet, let me pause. The Hon. Gentleman is right. It is needful for the giving to *Party* a chance of recovering, under a reform, the influence which it has possessed, that he should persuade the People to treasure up a *confidence*. But it is too much to think of answering seriously such an argument, though from the mouth of that Gentleman; and quite unnecessary for me, after the pages that are passed. Either it is answered compleatly, or I must be ashamed of what I have written. There is an idea in it, however, which, for the modesty wherein it is couched, deserves some thanks from a People sensible of what is due to them; for it expresses, with some indirectness, what another distinguished advocate* for Aristocratic

* Mr. B—e.

party hath made the subject of frequent declarations in the plainest terms, " that the people are not fit to be " trusted with their rights."

The mention of this Gentleman puts me in mind, that he has also, in a very extraordinary publication * some years ago, worked up this argument with laboured ingenuity. He would give it an air of popularity, by dwelling on the flattering idea of consulting the public pleasure in the public appointments. How much the executive power of the Constitution is obliged to him, I leave to another place. But both of them assume for their foundation, and evidently in no slender assurance of their party profiting by it, that there are particular lines of public characters exclusively established in the confidence of the country. Most certainly this is an equivocal and divided argument. The late resignations of those gentlemen have by no means confirmed it. Not one despondent countenance, but many displeased ones, have those resignations produced in the country. Nor hath the general contentment with the present Administration of Government introduced more credit to the argument. Appearances are therefore most certainly against it at present, and in a moment that must be allowed to carry no small trial with it, and consequently to give no slight ground for judging of the issue in future. That issue, we are inclined to believe, will every day manifest itself more and more in a predilection for those men, whom the People shall behold most direct in the support and recovery of those essential Rights, which are at this time understood and valued too well for any names or connexions to think of substituting any other thing in their

And to similar matter in a Pamphlet entitled *Thoughts on Discontents.*

* *Thoughts on Discontents*, p. 41—47.

stead, as a capture of the public opinion, or a ground of it's confidence. With respect to the mischiefs, which Mr. B—e would insinuate, as flowing from the adoption of other Ministers than those who may fancy themselves thus pushed forward by the voice of the Country, this argument is already answered; that if they are obnoxious to the People, the proof will soon appear in a Parliament, which really represents the People; and the cure of the evil will appear too in the disinission which cannot but follow the remonstrances of such a Parliament.

But it is sufficient that the Gentleman, first referred to, hath announced himself, by the whole of this argument in the hearing of his Electors, the decided Advocate of a *Party*. Hear it and record it, ye Electors! Hear it, ye People, throughout the kingdom! Know what is to be the consequence of the Reform, for which your expectations are on tip-toe. *Publish it in Gath, tell it in the streets of Ascalon*, that THE MAN OF THE PEOPLE is THE MAN OF A PARTY—that He, who fighting by your side, animated by your favor, and supported by your strength not less than his own, helped to rout the enemies of your freedom, did but rout them to plant the laurels on the brows of a *Faction*—that when your struggles shall have succeeded to place you in the conspicuous exercise of your own natural power, it is his destination that you should still be covered in shade, by those that have uniformly eclipsed your importance.

C H A P. V.

Second Advantage that will result from a reformed Representation: THE CROWN restored to it's constitutional Action.

The due Prerogatives of the Crown to be valued and cherished—the specific importance of the regal power—this underwent a revolution in 1688—Independence, the great original principle of the regal power—this evidenced by great antiquity in it's controul over the Parliamentary branches—in it's controul over the orders of Subject's by Rights yet subsisting—but especially in the royal demesnes, the original provision for the Crown—much dependance introduced by a Civil-List-Support. Advantage taken of the Crown under this change by Party—the influence of Party on the executive Power, in it's operations at large—in the appointment to offices of State—hence the influence of a Ministry substituted for that of the Crown, in the enforcement of it's own measures—how far the spirit of true Whigism is concerned in these effects—high time that the true friends of the Constitution should be distinguished from Republican Whigs—The application: A reform of Parliamentary Representation the natural cure of these wrongs—Independency restored to one Estate must be followed by independency to another, or there is no balance—the royal negative must consequently feel itself in force—an Address to the Crown.

ANOTHER advantage, to which we shall now speak, arising from a constitutional correction of parliamentary Representation, will be, that it will furnish the means of lifting the Crown into it's proper place.

The due prerogatives of the Crown to be valued and cherished.

If any man is actuated by a spirit of narrowing the power of the Crown at all events, if he wishes to diminish an iota of it's due prerogatives, he either knows not the Constitution of his Country, or he is no friend to it. It is natural for mankind, in an abstract view, to look with partiality on the advantages, which aggrandize themselves or their own class. It is too common to feel the impressions of invidious prejudice against those which give others a dominion over them. But for an Englishman to carry these ideas into the system of his own government, betrays not only a narrowness, but a most shameful ignorance, of mind. We ought to know that in the prerogatives, by which others are elevated apparently at the expence of our own enjoyments, the interest we ourselves have is not the least. The full security of all we value most, and the best effect of the powers reserved to our own condition, are consulted even previous to the aggrandizement of those who are thus obnoxious to our minds. Therefore every well-informed Englishman, though he may still dread, as in wisdom he should be taught ever to dread, the power of the Crown, will yet never cease to love it; will cherish it as a very important part of the Constitution under which he feels himself happy, and will support every prerogative that is given it with the same zeal as he would maintain the first personal interest of his own.

The specific importance of the regal Power.

A just affection for the executive branch of the State will never be diminished, where there is a just idea of it's importance. This rests, by the wisdom of ages, in the hands of the Crown, as the great bond of all Power in this Country. The Crown is the key-stone that keeps the whole arch together. It is that *unique* self-existent power in the State, without which the whole legislative branch would be subject, in a variety of circumstances, to very sensible

sensible and grievous imperfections. It is that vigorous arm of power, which gives force to the whole justice of the Country, and fills the laws with their effect. It is at the same time that exalted authority, which gives the Country all her weight abroad, and keeps other nations awake to the consideration which is due to the rank she bears. It is that supreme controul, which at home can happily annihilate any of those factions, that have rent most other Governments asunder, and ride secure amidst a storm which can never rise to any danger, where the royal authority is the universal counterpoise of all. On the necessary extent of it's prerogatives we need not look with complaint; when we recollect that their extent hath proved, in the issue, more beneficial to our liberties than to their owner, and that they are a constant call on our vigilance to watch for those liberties. And we have need to reckon as a blessing the unalienable indivisibility, with which those prerogatives rest on the royal Head; as from this quality, essentially secured by the Constitution, the great bond and cement of all, resting in the executive power, can never be dissolved, nor sunk into any other branch. Subjects, however aspiring, must still be Subjects: And parts of Government standing ever so high, amidst ever such unhappy convulsions, must in vain expect by this additional grasp to amplify their greatness.

As the People of *England* became more enlightened, and consequently more tender, on the subject of freedom; as, on the other hand, the system of Prerogative established in earlier times became more sensibly grievous to minds improving so rapidly; a measure of both prerogative and freedom was at length wisely compounded, so as to come nearer to the views which later ages had conceived of a

This underwent a revolution in 1688,

more balanced Government: This was truly a REVOLUTION, important to the Country. If it abridged the Prince in his power, it made him compensation in his happiness, by strengthening the concord between him and his People, and bringing the prerogatives that were left him into a more pointed view, as salutary to the existence and the best effects of every other power in the Country.

*Independence,
the great original
principle of
the regal
power.*

Yet it cannot be amiss, through the medium of antiquity, to see the great principle which the Constitution originally had, and which evermore must be kept, in view as the foundation of royal prerogative, and attached to all the species of it's exercise. This principle evidently appears to be, *an Independance of the Crown within it's own Estate*, though that Estate be circumscribed by limits. It is almost a reproach to common understanding, to suppose a political system of combined powers, without perfect independance in the limits of each, if that Government so combined is to carry either permanence or authority. Yet there are certain notions concerning the general origin of power (perhaps abstractly true, but wrongly applied here, if so they should be) and certain particular circumstances concerning the maintenance of the Crown in *England*, which may insinuate to some minds what otherwise would not have been supposed, and give doubts of that royal Independance, which otherwise our first reasonings would concede. Let us therefore bestow a little further consideration on the matter.

In this inquiry I shall not take my illustrations from the most ancient Constitution which our History affords, when neither the Barons nor the People had any regular authority, but the Government was vested almost wholly in the
King;

King; nor from the most rigid subjects of the prerogative, which even in much later days lifted the *Tudors* beyond all their predecessors. There is no need of going, for the innocent conclusion I have in view, to times so pristine, or to evidences so obnoxious; though, for the use to which they are adduced, any species of the latter may surely be inoffensively surveyed.

Nothing can be more clear, than that for a course of many generations from the first institution of *English* legislature, the controul of the Crown over the other branches of it was great—great, I mean to say, not only in all the *externals* of the parliamentary function, but in some of it's most important *internal* movements. I shall hint only to circumstances which come under the first species of controul. The prerogatives of calling the legislative branches into exercise, and making their exercise, nay, the very Being of one of them, to cease, are alone sufficient demonstrations of an independant power in him that can do these acts. In addition to which, modern usage hath preserved other memorials of the same power, in the request which the Commons make to the Crown, at the commencement of every new Parliament, for leave to chuse a Speaker, and to enjoy their wonted privileges.

This evidence, by great antiquity in it's controul over the Parliamentary branches.

If so much appears with respect to the legislative body, we may expect more numerous manifestations of the high independance of the Crown in it's controul over all orders of it's subjects, and their general affairs. Let the powers, which grew out of the feudal law, perish with their source. Yet thus far let it be remembered, that this feudal system was brought into this kingdom by the same monarch who introduced the greater outlines of our

In it's controul over the order of subjects, by Rights yet subsisting.

present government; that the evidence it gave of a natural independance in the Crown still speaks in reason; and that when it was abolished, being abolished by compact with the Crown, neither could the abolition reach, nor could the crown intend it to reach, to the extinction of that original sovereign spirit, with which, even by means of this system among others, it presided in the Constitution. To this moment the same supremacy of judicial sentence, which anciently passed from the King himself *in his Court* in all causes of his people, civil and criminal, is supposed and acknowledged to abide in him, and to pass from him, by the forms of the Courts into which the all-comprehensive judicature of *the King's ancient Court* is distributed. The doctrine of Escheats to the Crown for crimes, and for default of heirs, still subsisting, announces in the plainest manner the idea conceived by our forefathers of a superior independant controul over property, and that the primary notion of it's being a *beneficiary* possession has never yet been entirely lost.

But especially in the royal demesnes, the original provision for the Crown. But we would rather dwell on what is direct and self-evident in it's nature, and which no possibility of argument can evade: I mean, the royal demesnes. These were originally and for many centuries very extensive, and comprehended, besides a great number of manors, most part of the chief cities in the kingdom. This is the manner in which the Constitution intended to provide for the royal branch of the Government. It was not in the nature of things for an independant indefeasible Estate to be erected on a more solid ground—a permanence of hereditary property vested in those hands, unto which, as paramount every other, all other property might by contingency escheat, itself incapable of escheat or loss.

loss. Whether this allotment of power had it's origin from the People, or from the self-appropriating hand of the conquering Norman, is not material; it is the great plan of the Constitution, sanctioned by ages. And that duration might never fail the independency which was thus given to the royal Estate, it was established by law* that the King could alienate no part of his demesnes, and that he himself or his successors might at any time resume such donations. That law indeed was but irregularly observed; and from thence flowed more serious consequences than were apprehended at the time, or perhaps have since been properly recollected. The flattering figures of a high Civil List but poorly compensate for invading that fixed inheritance, which hath enabled many other monarchs to rise superior to assailing storms, when other reliances have crumbled beneath them; if indeed those flattering figures do compensate, in fact, for the more solid interests whose value they seem to have obscured. Let me not be mistaken. I mean not to speak of that fixed inheritance, as wishing it possible that it could revert, or to say that the system of the Civil List is not a better system for the People. I produce the former merely for the constitutional principle it brings in this question. And, beyond a doubt, the moment those alienations took place, a door was opened for throwing a shade over the natural brilliancy which was given to the royal Estate. At least, the unfavorable idea of dependence came in with the acceptance of a provision from the Commons: While it is certain that the Crown, being found vulnerable in this quarter, notwithstanding that provision is settled for life, has sustained many trying

Much dependence introduced by a Civil List support.

* Fleta, lib. 1. cap. 8. § 17. lib. 3. cap. 6. § 3. Bracton, lib. 2. cap. 5.

assaults from Faction, which would never have been made, had it rested immoveable on it's first foundation.

We must prosecute this thought farther, because it will bring us to our point. How inextinguishable soever, notwithstanding these alterations in the royal revenue, the great principle remains of a most perfect independance in the Crown, certainly advantage hath been taken of the change. And by whom? By that Party, or, what is the same thing, by those who have ever acted on the same principles with that Party, which having made itself strong in parliamentary interest, hath ever been most watchful to keep and increase it's power—watchful to profit by those diminutions which popular Rights have at any time sustained, or by those circumstances which, embarrassing the actions of the Crown, have at any time made it more easily tangible by it's subjects. The bare notion of Dependance is to some minds a *stimulus* of invasion. And in every struggle of a public nature for more than a century past, the Crown hath in some measure experienced this invasion. Whatever may have been gained by other powers, this hath certainly been no solid gainer on the whole. Let the object be what it might, all seemed perfectly contented, if the Crown from it's plenitude made up the deficiency that was any where felt. And how should not any issue terminate in it's loss, where there was a compact in the Country ready to direct all public contingences to it's prejudice? In every disposition of Power which marks the royal government, or even the royal pleasure, the Crown hath felt the weights with which the hands of such a party have clogged it—it's nerves have actually become anstrung.

Advantage
taken of the
Crown under
this change, by
Party.

What

What is become of the executive power of the Constitution? If this, in it's very outset, is merely nominal in the Crown, it's arm has, by the grasp of Party, been certainly rendered feeble in it's whole operations. How should this be otherwise? For the first thing looked for by a Party in the execution of measures is not the men most competent to the occasion, but the men most true to their connexion. Thus the executive branch has not unfrequently been made an absolute sacrifice not to wrong designs, but to an unhappy favouritism of attachment or opinion. But suppose such a Party possessed of no actual administration of the Country, yet if it lies in wait to cavil and molest, it may injure the executive power as much by damping it's vigour, as by absorbing the whole of it's original direction. Under the menace of such a Party, how can the *salus populi* employ the free efforts of the executive branch? It's best measures have travelled but a short way towards their end, before they feel themselves spent; the good, that was meditated, is rendered abortive; the evil, which called up vigour to extinguish it, gains strength by the temporary sufferance at least, which intrigue has rendered difficult to be shunned; inquiry is stifled; punishment cannot find it's way; abuses look with triumph over the eye that sees them: In the mean time, all that are disappointed, all that have done wrong, need but seek the wing of such a Party, and they will find within it a protection, which shall either repel every shaft of Power, or greatly blunt it's edge.

The influence of Party on the executive Power, in it's whole operations.

But let us ask another question. The appointment to all the offices in the State—is the Crown as free in this as it was meant to be? Can any man be ignorant how untowardly this prerogative hath been treated by the grasp of Party? Is there a private Gentleman in the Country,

In appointment to the offices of State.

Country, who does not exercise with more unrestricted freedom the appointment of his servants, and the general distributions of his power, than the prince under whom he lives? Is there a king on the throne of the *Mahrattas*, surrounded by all his dictating nobles, who cannot render to his own personal desires more abundant indulgences from this branch of royal authority? I allow there are cases, where the public affections may be strongly interested. And the public voice will ever be attended to by the genuine Father of his People, whose Government moves on proper principles. The very intention of all prerogative was to facilitate the public happiness. But let not every endeavor of combined individuals to force themselves into the royal closet, though backed by some share of popular opinion, be considered as a fit case to wrest from the monarch the confidence, which is as precious to his breast as to another man's. Those cases are so strongly characterized, where they rise, as not easily to be mistaken. And were the Parliament brought to be a real Representative of the People, the Crown would never fail to know them from it's voice, at once the most satisfactory conveyance of the sense of the People, and their best ground of reliance that no sinister councils can long deprive their sense of it's natural impression on the royal mind.

Hence the influence of a ministry substituted for that of the Crown, in the enforcement of it's own measures.

But once more. Where is the personal influence of the Crown, which should naturally give weight and authority to it's own measures? The Crown hath, in truth, been taught a very different experience from what this language would convey. It is not it's own natural authority, but the weight of a Ministry extensive in it's connexions, and powerful in Parliament, that shall give facility and effect to the whole executive power. Is this the

the language of the Constitution? But is it not the fact; experienced, with very little interruption, by every prince that hath filled this throne, from the arrival of the glorious Deliverer, *William III*? And was the Crown left by our forefathers, in the narrowest days it has seen, so feeble and unimportant as to be indebted for all it's public effect to the adventitious succors of it's own servants? A Republican may embrace the idea, but a constitutional Englishman will renounce it.

“ You will reply, “ that to simplify thus the power of
 “ the Crown, by bringing it's own acts to itself, and com-
 “ pressing it's authority within it's own circle, is not the
 “ principle of Whigs. It is a maxim of theirs to mode-
 “ rate and let down the specific power of the Crown,
 “ by blending in it's movements such a mixture of the
 “ public weight, as to lose much of prerogative in the
 “ popular cast.” I grant this is a principle of Whigs.
 But of what Whigs? Of Whigs connected in a Party,
 and pledged to the aggrandisement of that Party. With
 such it is of importance, not merely that the specific
 virtue of unquestionable prerogative should be abated,
 but that while the democratic name gathers what the
 Crown thus loses, the power thus gained shall in fact rest
 with themselves. I know of no principles in the code of
 pure independent Whiggism, that emulate to defraud the
 Crown of the full virtue and original brilliancy of it's
 own constitutional authority: this Whiggism is satisfied,
 if the regal authority keeps within it's constitutional
 limits. But the other is Whiggism in it's phrensy. Nay, it
 is more. It is downright the republican spirit. For it
 will not only introduce more heads into the Government,
 but every head introduced is directly subversive of the
 monarchic.

How far the
 spirit of true
 Whiggism is
 concerned in
 these effects.

high time that
the friends of
the Constitution
should be dis-
tinguished from
Republican
Whigs.

Let those who, affecting to befriend the interests of the public, approve the maxims of such a system, take to themselves and avow at once the denomination which befits them; but let honest men, who mean no such things, stand free from the imputation. It is high time the distinction should be made and understood, that the friends of the people may be rescued from the misconstruction, which the peculiar views of a few may have fastened on a greater number; or, if the number be smaller, that they may be known for what they are. They are friends of the People: but they are equal friends to the Crown, because they are friends to the whole Constitution. They are friends to it on the most perfect independence of all its parts. But they are not Republicans: They will no more part with an iota of the monarchy, or its established prerogatives, than with an article of *Magna Charta*, or the *Bill of Rights*. Neither are they friends to *Party*. For *Party* will level all boundaries to enlarge its own. It may assume the more inoffensive name of *Connexion*: and connexions are honorable, when they do not thrive by depredation on others. It may plead to be *useful*, as a combined power is stronger than a single one: and the plea would have merit, if any other than itself was in prospect to be served. It is convenient indeed for *weak* men, who have not abilities to figure by themselves; or for *bad* men, who may wish to hide, or to strengthen, the views of their abilities by the group of numbers. But it hath been the curse of every Government that hath known it: and the public good of *England*, as well as the honour and efficiency of her Crown, have not less than any others to complain of at its hands.

The Applica-
on.

We will now hasten to the Conclusion for which we have been preparing. The view we have
had

had of the advantage which has been taken of the Crown, and particularly within the present century, was needful to shew how widely the defects of parliamentary Representation have spread themselves, having laid the foundation for those partial absorptions of political interests, which have held all the parts of the Constitution in a degree of bondage. It was needful, by pointing to the original source of the disorder, and marking it's progress, to shew whence the remedy must proceed, and of what nature it must be. So long as Factions powerful in Parliament, and of course largely controuling the independency of that Assembly, can maintain their footing there, the Crown must expect to be held at bay, and to endure those diminutions of it's independence, which it has been taught to experience. A reform of parliamentary Representation the natural cure of these wrongs. Let the Representatives be restored to *their* independent purity, and the cure effected there will reach to every other wound, by which any other part of the Constitution has been maimed. It must reach every other in the nature of things, by the inevitable sympathy with which all the parts of the political, as well as the natural, body never cease to be mutually affected by what gives health or injury to each. The Crown will feel the restoration of it's own powers in the most demonstrative manner. Remove the weight that keeps down a spring, and it will instantly fly into it's pristine action.

But independency restored to one of the three Estates must be followed in wisdom, if it could fail in the spontaneous nature of things, by equal independency to the other two. As three concordant checks, they must all be brought to an equal bearing, they must all be strung to a perfect tone. The instrument that is relaxed but in one of it's chords, grates upon the ear in discord. The drum of war, if left unbraced, or but unequally

Independency restored to one Estate, must be followed by independency to another, or there is no balance.

braced, in a single space, gives not the sound which calls the soldier up, and bids him take his heedful stand on duty. Not less discordant, hollow, and unnatural will be the Government, intended as ours to spring from a three-fold harmony of parts, if all do not act with equal force upon the system. Suppose the House of Commons was set firm and upright on it's own natural column, the mass of the People. Care must be taken, if there should be need, that the Crown should also feel itself erect and strong on it's own base; else the edifice would over-set from the inequality of it's supports: the Commons would be an overmatch for the Prince. The disadvantage to the Crown, unhappily too long accustomed to be viewed in opposition to the whole People, and narrowed besides in all it's exercise by combinations within the popular body, would long ago have come to a crisis fore and fatal to it, if in the general disorders of all the constitutional branches it had not obtained some counter-balance over the Commons, by a portion of influence which a melioration of their virtue will speedily annihilate. Suppose, on the other hand, the Crown was restored to it's natural self-existent action, without a proportionable list to the independency of the Commons: we may easily conceive, from what stand the former is now enabled to make against a general tendency in the latter to reduce it, what chance would then be left to popular freedom, perhaps betrayed by it's own combinations, and born down by another power beyond it's resistance. It is therefore best, perhaps, if disorder must invade the Government, that it run pretty equally through all the branches, thus saving all by the debility which leaves each nearly on a level still. But a balance in ill is the most wretched of consolations. Let us look to a balance of good. The Constitution plainly intended such a balance

balance in the formation of it's Estates. Such a balance can alone be the emulation of every wise reformer. And the means, the hour too, are now before us to see it properly established.

While we are speaking of this constitutional balance, and especially as it will shew itself in the Crown, it is impossible not to observe, that when once the independency of the Commons shall be restored, it will be proper that whatever check the Crown is possessed of by it's negative, over the other branches of the legislature, should be brought into it's natural force. The self-evident nature of the prerogative I now allude to, one would think, might have spared it from ever being made the subject of a problem. But as a Right Hon. Gentleman *, who has already been mentioned, has thought fit on a late occasion to bring a heavy investive against this idea, this will induce me to make some reflexions on the matter, which without such a call for them, I should fear, would have subjected me to the imputation of contending, like a *Quixote*, with imaginary windmills.

The regal negative must consequently feel itself in force.

The negative of the Crown, or it's Right of rejecting what Parliament has agreed to, is the great and essential circumstance, by which it holds that important branch of it's independence, it's share in the legislature. No greater right than this it can have consistent with general liberty, or even with any rational system of legislation. Were the King to have the power of *resolving*, his influence on the Supplies, to name no other matters, would be so great, that the theoretical absurdity of his giving and granting to himself would be the least evil; the People

* Mr. F—x, in his Speech to the Electors of *Westminster*, 17th July 1782.

would feel in reality, and with a forenefs not easily endured, that he took the money out of their own pockets. But a right of rejecting he has, becaufe without this he has nothing——nothing to leave his own prerogatives in fafety for an hour. Now when can it be fo proper that this negative fhould be brought forward into fight, as when Parliament has recovered that original independence, which gives it's full controul in the Government? If what we have often heard from the Honorable Gentleman abovementioned be true, that the influence of the Crown fo far pervades the two Houfes of Parliament, as to hold them at it's pleafure; this is a reafon why the royal negative now fleeps, and has for fome-time fleep'd, in fuch a ftate of things. There can be no room for it, where all things move at the monarch's pleafure, or can be moulded to produce it. But change this ftate of things, and the reafon affecting this prerogative becomes changed at the fame moment. The Crown muft then take a different ground, fhould the views of Parliament differ materially from it's own, to preferve it's balance. Is Parliament free and uncontrouled in it's procedure? This legislative fhare in the Crown muft feel itfelf equally free and uncontrouled. It muft be fo, or the Crown muft be at the mercy of the two Houfes. A mutual independence calls for a mutual unrefervednefs of diffent. And if ever this be needful to be exercifed at one time more than another (it is impoffible I fhould be underftood to mean, *un-reafonably and wantonly* exercifed, but *more freely* than perhaps for long periods may have been done, *as freely* as either Houfe of Parliament exercifes it towards the other) it is furely when it is become again the main check that is left to the Crown; unlefs the regal privileges are to vanifh into names and fhadows, while thofe of the other Eftates remain in all their pointed effect.

But

But this is a solid prerogative ; immoveable, if the Constitution is to stand. To inveigh against the exercise of it at any time, in the full discretion of the Crown, is the height of political phrenzy. Comparatively speaking, it is of more consequence that the legislative Power should be under a decided and instant check, than the executive : For the encroachments, which the latter can only effect by a train of artful measures, the former may accomplish in a moment. And the check that is thus given to it ought, for these reasons, to be kept in view, as oft as fit occasions present themselves. It is by the infrequency of it's exercise that not only offence* grows up, which else would never have been taken, but the important distinctions of Power become gradually lost in confusion, through the impressions of this offence on the one hand, and the assumptions which it gathers to itself on the other. Suppose the two Houses of Parliament should trench inordinately on any public or private Rights ; should agree to take away the estate of an individual, to dispose improvidently of public interests, to unhinge any barriers of the State, to take away the King's Civil List, or reduce it extremely, or to pass any other bills of an intemperate nature ; shall not the Crown judge for itself of these measures, and shall it be matter of more offence that it pronounces the absolute *veto*, with which the Constitution hath armed it, than we ever find to have been taken by one House to the other's rejection of its Resolves ? These cases are by no means too extravagant for supposition, because they are

* The rejecting a bill (says *Bishop Burnet*) though an unquestionable Right of the Crown, has been so seldom practised, that the two Houses are apt to think it a hardship, when there is a bill denied. *Burnet's Own Time Vol. III. p. 140:*

not more extravagant than have been experienced. The Commons, before now, have voted away the House of Peers, have voted the exclusion of the immediate heir to the Crown, have voted the destruction of the Monarch himself. The Lords have voted the establishment of complete passive obedience; and again, on the other hand, they have voted, at one time or other, the most formidable attacks on various branches of acknowledged Prerogative. And both together have concurred in bills, sometimes rejected by the Crown, and sometimes not, very censurably infringing on the true spirit of the Constitution. And much more likely are resolves of a striking nature to take place, when the legislative Assembly shall feel itself strong in freedom; and especially that part of it which represents democratic sway.

It is curious to see how strangely some men reason on this subject. In cases as strongly marked as those above-mentioned, but especially in all cases which tend to diminish the democratic influence, they are ready to call aloud for the exertion of this prerogative. On the *Septennial Bill* it has been said over and over, that King *George I.* should have interposed his negative, and with more tenaciousness than it found in King *William III.* upon the *Triennial*. But in cases wherein the Country might perhaps feel itself gratified at some expence to the regal power, or in cases of general legislation, it is pronounced by the same persons insufferable, should the Crown express it's dissent to the majority of Parliament, though perhaps that majority has before met in it's progress the dissent of very numerous and very respectable characters in both Houses. The question therefore comes to be asked, by whose judgment, and at whose

whose pleasure, is this royal negative to be directed ? By the King's own feelings, in a power absolutely lodged with himself ? Or by the People, or any portions of the People, over whose power that negative was placed as a check ? Nay, the question will be, whether this be a power with any reality ? It is a real and effective prerogative, or it is not. If it is not, then let us no longer abuse common sense, by calling and petitioning for it's interposition, though the Constitution and the first privileges of the People may by that interposition be saved. If it is a prerogative with real power, then is it equally abhorrent from common sense to introduce any other arbiter of it's exercise than the discretion of him, whose prerogative it is. Especially if we reflect further,

What mischief can ever arise from the royal Negative, were it even capriciously and frequently exercised ? The Parliament, on behalf of themselves and the Country, are possessed of an effectual counterbalance. They hold the public purse ; from their hands the Crown now derives its supplies ; and though the immediate Civil List, being settled for life, might not be affected by any displeasure they took, yet there are various other heads of supplies, important not only to the satisfaction of the Crown, but to great purposes of Government, by the detention of which the executive Power would be considerably embarrassed. These have from very ancient times been frequently detained on any occasions of discontent. The check therefore over the royal Negative is at all times a most important one. With this in prospect, and especially in the hands of an independent Parliament, the Monarch will duly consider before he interposes this

N

prerogative :

prerogative : And should he do it with much dissatisfaction to Parliament, the means of producing more deliberate reviews of the matter are the strongest that wisdom can devise. But then the stronger and the freer this check, in the nature of it, is in the hands of Parliament, and especially of an independent one; the more perfectly free should be the use of this Prerogative in the hands of the Crown, and with such a Parliament: Indeed, comparing the nature of the two checks together, the advantage after all preponderates greatly in favor of Parliament : To say the truth, it preponderates on that side too much, to leave the royal Negative perfectly independent. While the Crown, to back it's own prerogative, has no consequences, which it can bring home to the *feelings* of Parliament, equally forcible with what it runs the risque of meeting from them, the Hon. Gentleman abovementioned may surely have the charity to leave it to the freest exercise of what powers are given it, inferior as they are, and unequal to the resistance that is provided against them.

He seems to think it strengthens his objections, “ that
 “ near a century has passed without an instance in which
 “ this prerogative has been exerted.” To draw a precedent from the forbearance of a right against that right itself, is not the argument of a very ingenuous mind ; and will have less weight here, when we look back to the cause before alluded to, as insisted on by the Hon. Gentleman himself, why the exertion of this prerogative has for a series of time been rendered needless. But let him reflect in what reign those instances last occurred, and if he be true to his friends, his objections must sink in silence. Does this new ally of Whigs mean covertly

to brand the memory of *Will. III.*? Did that mildest of Princes exert a prerogative, which shall become the subject of invective in the mouth even of him that would seem to associate with Whigs? Shall it be insinuated, that any other Monarch on the English Throne, acting on the principles of that great Deliverer, shall become inordinate in his measures?

In this question, I know, artful demagogues may practise greatly on the jealousy of a People, unless they are sufficiently dispassionate to see the true situation of the case. Appealing to my countrymen, I would put that true situation of the case thus briefly before them, "Are you willing that the Crown should retain an unnatural and corrupt influence over Parliament, or the natural and salutary interference which belongs to it?" "One or the other, in the nature of things, it *must* have, it *will* have, and I do not hesitate to say, it *should* have, if a Crown is to remain in the Country." "Let us grant then that it now has the former in any degree: The more zealous should you be to exchange it for the latter. Have you profited by the substitution of the unnatural for the natural controul? Can you then possibly suffer by the re-exchange? That re-exchange will make you feel a tone of power, to which you have long been strangers. And if it gives an equal tone to the power of another, you are more equal to cope with that power in your natural strength than in your weakness."

Were I sure that these sheets would have the honor of making their way into the hands of our illustrious Sovereign, reverting to the object of my arguments, in which the regal Estate bears so distinguished a concern, I would

An Address to the Crown.

indulge myself, before I close what relates to that Estate, in an humble but most sincere Address to the royal feelings on this important subject. But taking my chance for what may happen, my own duty will not be satisfied without touching, in some few words, what involves his interest as the monarch of a free and manly nation. I would say : if the Sovereign would render his name immortal, now is the moment before him. For, doubtless, we must sacrifice what we know to what we might wish, should we deny that much of the ability to effect this glorious reform will come with the greatest facility from the royal encouragement. To restore the relaxed powers of a free Constitution, to give new sinews to a People, to emerge from the corrupt means of ambition into a manly system of free and generous rule, is an heroism unknown to those who have filled the thrones of modern empires. Antiquity must fail in the parallel : for to found kingdoms, and bring forward a People, in original freedom falls infinitely short, as it is making no sacrifice of any thing which the habits of enjoyment and tasted temptation have rendered dear. The Prince, who can evacuate his heart and his hands of all that has long filled both at the expence of much freedom and happiness to his People, may claim the enthusiasm of the historic page.

Have years of discontent rolled on? Here they will, obtain a most delightful oblivion. They will be cancelled by a happiness, that will make the most liberal amends. The People will even welcome the recollection of those ills, which have worked their own cure, and brought forth in the issue a Patriot King!

Have past prejudices on the Rights of Government found their way into the royal mind? What man more
abroad

abroad in the world to discuss and measure prejudices, has not felt their contracting influence? But to conquer them is the difficulty, which has been more rarely passed in any conditions of life. In a Prince, this is the completion of the human understanding;—in a Prince, who can blend with that conquest an emulation to see his People free in the measure of their own movements, and vigorous in the satisfaction of that freedom. His Majesty has therefore before him what should ever be dear to the ambition of ever crowned Head, the manifestation of a mind uncommonly enlightened to all the views of genuine greatness—a mind capable, in very trying circumstances, of leaving the generality of mankind as much below the reach to which it can stretch itself, as they are below the station which it fills.

As personal to his own happiness, no less than to his own glory, the soundest policy will invite the Sovereign to the measure before us. To throw down whatever proudly erects itself between him and his People, only to create jealousies in both, to derange the natural union of both, and to obscure both to the views of each, must earnestly be coveted by wisdom. To keep up his People in the full importance which the free principles of the State have given them, is to secure to himself, and all that succeed him in that plan of Government, an establishment in their hearts. A free nation, a nation freely treated, is a generous nation; their obedience is the steadfastness of principle, their affection is a rock. The utmost wishes of imperial glory cannot go beyond the Government of such a nation. Let the Sovereign then found his kingdom in the true freedom of his people: let him know nothing but his own pure Rights, and their's, in all their mutual vigour: and their affections, completing the superstructure, will provide the cement that will hold

hold it strong for ever. He may bid defiance to Faction and Party : he may spare himself the labour of intrigues : while his own prerogatives will securely maintain him in the just assertion of his rule, the love and confidence of his subjects will let him see the day, when they will make one cause with Prerogative, to strengthen the hands of him who approves himself *the Father of his People.*

These humble suggestions we venture the more readily to offer, because one and twenty years ago the mind of the Sovereign, who then sat on the British throne, was known to be animated with the purest desires to see his People and the Constitution, as well as his own Sovereignty, free. In that period the true friend of the Country, the immortal PITT, filled alike the Cabinet and the royal breast with his salutary counsels. Auspicious æra ! had not the corrupting Dæmon entered. That Prince knew the unworthy bondage, in which his royal Predecessors, the whole legislative power, and the rights of the people had been held for near an age—from the time that those, who had been successful in limiting the Government, determined not to lose the hold they had gained, but thenceforth made Parliament the seat of their power, fettering the Monarch with their hands, and keeping the People under their feet. Not more for himself than for the other branches of the Government, that Prince renounced the ignominious and unnatural yoke. His heart was prepared for it's choice, to join the cause of the People, to emancipate all the parts of the State, and lift them into their due vigour. Here therefore the objects we would press gather some degree of confidence. We wish but that the sentiments, which have filled the throne, may revert to themselves again. May the patriot views of 1761, mark the political glory of 1782. This
year

year hath already been distinguished by inestimable events, which will ever be memorable in the annals of *England* and *Ireland*. May it be crowned with one farther glory—the avowed interposition of the sovereign, to effect a more equal Representation in Parliament, and to render the House of Commons a real Representative of the People, conformably to the desires of those who have earnestly petitioned for this, and to what must be equally the desire of all his subjects. Then he may say with *Horace*, and applauding posterity will consecrate in unperishable annals the *Eulogium* for his own,

Exegi monumentum ære perennius,
 Regalique situ pyramidum altius ;
 Quod non imber edax, non Aquilo impotens
 Possit diruere, aut innumerabilis
 Annorum series, et fuga temporum.
 Non omnis moriar ; multaque pars mei
 Vitabit Libitinam : usque ego postera
 Crescam laude recens.

C H A P. VI.

The DURATION of Parliament.

Intimately connected with the subject of Representation—the greatness of delegated power should ever be balanced by it's brevity of duration—by the wisdom of most States the period of a year has been adopted—this the ancient policy of our own Country in the parliamentary Trust—how it came to be varied—partly by the acquiescence of the People in triennial acts—the septennial act the grossest violation of Law, Constitution, and Decency—that act must at all events be done away—how much farther we must go—without short Parliaments no amendment of the Representation can do good.

HITHERTO we have considered our subject in general terms, without coming to any specification of remedy in mode or in extent. We conceive it impossible for a candid mind to survey the evils, with which our unequal Representation is replete, and to be at any great loss where to apply the cure. Men of prudence may differ about the extent to which they should go, but all dispassionate men will agree that to *some* extent they must go, so as effectually to get rid of those more pointed circumstances, from which the evils we complain of originate.

Whether or not the duration of Parliament be considered as forming a question in the subject of unequal Representation, most certainly it is closely connected with Representation in general, and is one of those circumstances of which the eye must be brought to take a very special and considerate view, as a principal source of the evils

Duration of
Parliament
intimately
connected with
the subject of
Representation.

evils we feel. In discussing therefore, so comprehensively as we have professed to do, the important subject before us, we should leave it very imperfectly treated in our own opinion, nay, we should leave one of it's most dangerous circumstances unregarded, were we not to call the attention of our readers, in the most pointed manner, to the necessity of a reform in the Duration of Parliament. For if the Representation were at this hour made as perfect as we could wish it, the duration of the parliamentary trust, continuing as it is, would of itself furnish the means for overfeting all the security of which we might fancy ourselves possessed. We shall therefore subjoin a few observations on this question; and they need but to be few, as the question itself, in what relates to its constitution and its policy, lies in a short compass.

It is a principle; whose foundation can never be shaken, that the greatness of power vested in any portion of the people, should ever be balanced by the brevity of its duration. All the best governments in the world have shewn their attention to this idea. By the frequent rotations and successions of authority, factions are most easily broken, and abuses of all kinds most easily corrected; at least those, to whom the delegation reverts, have the means, if they will use them, of giving new vigour to the purposes for which the delegation was established. There seems not in human wisdom a mean more effectual than this, to keep power within its limits; nor a reasonable prospect, without this, of restraining the licence, which the enjoyment of power will ever assume. And if the power committed be that of representing others, speaking their voices, and managing their interests; the nature of such a trust more especially makes it a short one, if those that give it would have

The greatness of delegated power should ever be balanced by it's brevity of duration.

it kept within the bounds of an agency, and not arrive at the assertion of an independent and original function.

By the wisdom of most states the period of a year has been adopted.

In the establishments of such a trust, whether from a whole people, or from any lesser portions of them, the wisdom of mankind has with great uniformity concurred in the expedient of limiting it to the duration of a year. Indeed this policy has been carried in almost all countries, and at all times, to the appointment of magistracies vested with extensive authority. And with respect to these, in some petty republics environed by powerful neighbors, and therefore greatly dependent on the fidelity of those who are in authority, this period of a year has been considerably narrowed. Thus at *Lucca* the magistrates are chosen only for two months. At *Ragusa** the chief magistrate is changed every month, the other officers every week, and the governor of the castle every day. But these are regulations that neither are called for by powerful states, nor are fit for such. A period shorter than a year is incompetent to the execution of larger interests; and a longer period seems to have been considered by all as dangerous to any interests that have importance to plead.

This the ancient policy of our own country in the parliamentary trust.

In our own country this sentiment has preponderated, in the limitation of all delegated and subordinate authority, as much as in any other. With respect to the parliamentary trust, the highest of our delegated powers, it is not to be disputed, that in its origin it was limited to the duration of a year, and for a long time continued under that limitation. In analogy to this rule various other parts of the government still move. Most

* Tournesfort's Voyages.

of the magistracies in the kingdom, that are elective in their nature, and many popular offices which are not, are determinable at the same period. The parliament itself, in many of its functions, is guided by the same limitation. The national supplies are voted only for a year. The national defence, in the army, is provided only for the same period. These measures keep pace, in their cause, with the purpose of an annual parliament. If there would be danger in a standing army, there is equal danger in a standing parliament. The supplies might be voted without great inconvenience or impropriety, in times of peace, for more years than one; but then, on the principle originally assumed, one parliament would be doing the business of another.

That Parliaments were annual in their institution is therefore unquestionable. The statutes of *Edward III.* ordaining that a *Parliament should be held once in every year, and oftener, if need be*, were but declaratory of that past usage, which had become law, and was considered as a birth-right. The intention of them was, that not only a *Parliament* should be held every year, but a *new* Parliament; and the writs issued in that age, which may yet be consulted, shew that this was not only the principle but the practice. However through an incautionness of expression room was given, in process of time, for such a construction of those statutes as defeated both those parts of their intention. By coupling the conditional words, *if need be*, with the former clause, *once in every year*, as well as with the latter clause, *and oftener*, not only a *Session* of Parliament every year was obviated, but much more the necessity of a *new* Parliament. And thus the hands of the Monarch, which were clearly intended to be tied, were left perfectly free to such discretion alone as

How it came to be varied.

the circumstances of the times might recommend. If the times were unfavorable to such a latitude of interpretation as this, which introduced an entire frustration of those statutes, another interpretation was employed, which equally avoided the idea of a *new* Parliament; on which, it was urged, those statutes were totally silent, even supposing the former clause abovementioned to be absolute in it's sense, and the conditional words attached only to the latter. Yet here we must observe, that the words, *and oftner*, seem to us indisputably to involve the idea of a *new* Parliament. For extremely incongruous must have been the application of those words to the repeated meetings in the same year of a Parliament which continued the same: by whatever circumstances it's sitting might be interrupted, certainly it could never be considered as more than *one* Session—the same Parliament could not be *held often* in the same year; the idea of a dissolution seems therefore naturally supposed.

On the one or the other of those interpretations abovementioned, according as the people were more or less tenacious on the subject of the parliamentary function, the executive power took occasion, in a course of time, to conduct itself in the use of Parliaments: so that either there was not a constant Session of Parliament every year, or, when afterwards there was, this was thought enough to satisfy those acts: nay, a foundation seemed to be laid for waving the idea of new and frequent Elections; which instead of gaining ground, lost it so far after a while, and doubtless through the supineness of the People, as to feel their return not with the revolution of the year, but with the demise of the prince. That the regal power, especially in times when it was less balanced, should give admission to either of those interpretations, which left it's

own hands more free to act, will give surprize to none. That the Representatives themselves should suffer those interpretations to pass, and not be forward to push any assertions of popular rights, which might expedite the extinction of their own political being, is as easily to be conceived as that any individual will prefer his own enjoyment to the interest of his country.

But what followed this astonishing departure from the spirit of antiquity in the first periods of the House of Commons? What steps did the Country take, when recovering it's spirit, to recover what was intended to be recorded as it's rights? As if deserting the principle of annual parliaments, nay, and conceding the interpretation which had avoided the necessity even of an annual session, the first interposition of the Commons on this question was by a bill for *triennial* elections, which secured only a session once in the three years. This was obtained under the unhappy *Charles*, whose worse-deserving son rendered but of short duration this approximating step towards the establishment of a more regular popular check. We blush to say further how this Act came to be repealed, and Parliament thrown again upon the royal discretion. In another period, however, under *William III.* the Commons, not from hostility to the prince, but urged by the interests and the voice of the people, come again with success to this important claim. In what terms? For an annual session indeed, but for no more than a triennial election. And it is remarkable, that while this statute recognizes the ancient laws and statutes of the realm for new and frequent Parliaments, and pronounces these to be salutary both to the King and the People, it is worded as if declaratory in it's provisions

of

Partly by the acquiescence of the People in triennial acts

of what was considered to be the Constitution of the Country.

It is true indeed, that from the reign of *Edward III.* or however from the time that the usage of annual Parliaments ceased, to about the middle of this century (when a motion was made in the year 1744, for *annual* Parliaments, and lost but by thirty-two) the nation seems never to have nurtured the idea of giving Parliament a shorter continuance than for three years. To what this can be owing, is not easy to say. It seems as if one or other of the above interpretations given to the statutes of *Edward III.*, preponderated in some measure over the resistance of the people, or at least over their wish to resist farther than the terms on which their exertions were made.

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But if those interpretations led to the triennial acts above-mentioned, as the best compromise that could be taken with any proper care of the interests of the people, they laid the foundation, or the pretence at least, for another act in a subsequent period, which was by no means so innocent and moderate as the triennial scheme, was neither sought nor approved by the people, nor had any one principle to stand on, that bore the least approximation either to constitutional ideas, or to any sensible stable policy. To the first indeed it made no pretension, but on the contrary assumed a degree of apology for departing from thence, on the score of temporary expedience; while there is an insidiousness couched under the scope of it, which would hinder its own apology from binding too far, and derange at once all constitutional notions, by establishing the precedent of altering the duration of Parliament at pleasure. I mean here the *Septennial Act*, passed in the first year of *George I.* If the interpretations

interpretations of *Edward's* statutes introduced a latitude into the continuance of Parliament beyond a year, this act carried that latitude beyond all bounds. It was, in short, a palpable and bold violation both of *Law* and *Constitution*. Of *Law*, because the *Triennial Act* under *William III.* having ordained that "from thenceforth no Parliament whatsoever, that should at any time there-
 " after be called, assembled, or held, should have any
 " continuance longer than for three years only at the
 " farthest," and thus having drawn the line *ultra qua non*, became in this circumstance a sort of *Magna Charta*, sacred in it's obligation, on the faith of which the Country rested. Of the *Constitution*, because whether Parliaments were *annual* or not in their fundamental institution, they were *frequent*; in this view there is no more affinity in a septennial bill to ancient usage, than it can have to any wise Constitution, for giving security and force to the elective rights of a people. The pretence would be an insult on common sense. Nor did that act infringe less upon *Decency* than on *Law* and *Constitution*. For, under the advantage of present possession, it stole from the People what they had never given, and what they loudly protested against giving; it stole an extension of trust, with no better principle than He shews, who should hold over a term which had never been granted him; or he, who having made his way into a House, by dint of strength carries off whatsoever he shall list; or He, who having way-laid another, makes him captive by force, and dooms him to a deprivation of freedom at his own pleasure.

Under this act more ruinous to the virtue of the electors, to the fortunes of the elected, and to the liberties of the whole Country in the space of seventy years, than ever was experienced in any length of time before it,
 even

even including the reign of *Charles II.* so wasteful to liberty, it is our punishment still to abide. Whenever a propitious hour shall give any degree of reform to the Representation of the Country, this act must be done away in the first instance. No unprejudiced mind can look on it a moment, and patronize it's existence. It cannot stand with any idea of reform. It is incompatible with any degree of efficiency to the elective Rights of a people. It is insufferable in it's whole complexion. At this hour the pretence on which it rose is gone. And there cannot be an apology in its favor.

That act annihilated, there is a degree of policy, as well as of right, left in the question, how far further we must go.

In discussing the rights of a People, and projecting their deliverance from wrongs, it is of moment to consult what appears, on the whole view of things before us in the moment, most practicable in it's measure, as well as that which is most strictly due in it's extent. In addition to what has been already remarked, concerning the conduct of our forefathers from the discontinuance of annual Parliaments to the obtaining of the last triennial Act, there are considerations arising from the difference of present and ancient times, to which our attention ought not to be shut. We may revere the constitutional principle, and be zealous to preserve it: but certainly it is no forfeiture of wisdom to preserve it *as nearly as we can*, all things considered.

Bishop *Burnet* says*, *Anciently, considering the haste and hurry in which Parliaments sat, an annual Parliament*

* *Barnet's own Time*, vol. 3. p. 146.

might be no great inconvenience to the nation. 'Tis true, their business was soon finished. But they had little to do, It was a good while before the Commons were legislators†. They always carried the purse; and in the disposal of that, the vote was very summary, because the exigencies of the Government were not then very multifarious. *Burnet goes on, but by reason of the slow methods of Sessions now, an annual Parliament would become a very unsupportable grievance.* 'Tis true the nature of parliamentary business, and the duration of sessions, have changed exceedingly with the multiplicity of our affairs. The disputed returns of elections have also contributed not a little to lengthen out the sessions. And though these occasions of delay to the public business would probably be much obviated by short Parliaments, and by the shortest most of all: Though, besides, a very effectual provision for obviating them has been proposed in a Bill already tendered by a noble Duke*, whose disinterested zeal to serve his country in this and every other important circumstance will make his name as dear to posterity, as it is revered and confided in by the present age: yet there would remain, after all, an accumulation of business, flowing in from the infinite occasions of legislation within the realm, and from our dependencies without it, certainly beyond what could ever fill the attention of ancient Parliaments under annual elections, perhaps greater than could be dispatched by any sessional Parliament with permanent effect and a comprehensive policy. Reflecting on this consideration, we may possibly see a reason which, in the increasing progress of parliamentary business, might induce our forefathers to be so silent,

† Hume's Hist. Engl. v. 2. p. 284. *Edw.* 1.

* The Duke of Richmond.

as we have remarked they were for a long period, on annual Parliaments, and to embrace the triennial. And this appears more forcible in respect to the act obtained under the *first Charles*, because it was the first, and because *Charles's* Parliament could not be suspected, in that hour of it's mastery over their Prince, of any excessive nicety towards him, or any disinclination to tie up his hands in the tightest manner.

It must be confessed that the only ground given for a preference of triennial to annual Parliaments, arises from the present nature of parliamentary business. In the point of giving the best effect to the People's controul over their own delegation, most certainly that limitation which brings the delegated trust back to them most speedily, is the safest from abuse. But let us bestow a moment's thought, whether a triennial Parliament is incapable of giving this safety in a good degree.

The object to be secured is, an impressed remembrance on the mind of the representative, that he is the Deputy of others, dependent on their favor for the trust committed to him, and accountable to them for it. Nothing, to be sure, can give the hope of effecting this, but making his commission a short one. How then may we count upon the probable feelings of a man, under triennial Parliaments, who has any sense at all of preserving the favor of his Constituents, and especially in such a reformed Representation as sends him to Parliament from an extensive community? The first winter he takes his seat, he comes, if ever, with gratitude on his mind, and a full purpose to make good the profession, he has pledged. Instances of a Solicitor General giving his very first vote contrary to all the expectations of his friends, and Consti-

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tients are, for the honor of human nature, very rare; and are no more to be taken as arguments that the rest of mankind are likely to act in the same manner, than it would be fair to deny common sense to our species, because some are idiots, or comeliness to the human frame, because some are monsters. If then the love of his Constituents keeps him honest the first winter, the fear of them will do the same thing in the third and last. We want no evidence now, even after all the immersion of five years in corruption, how much the sixth shall put the worst Parliament on it's guard, and bring forward, in the support of some resolve flattering to the People, names which have all along been regardless of all that the Country could say to them. Thus compressed between a flow of gratitude on the one hand, and a fear of losing his re-election on the other, it is not perhaps too credulous to conclude, that a Representative, depending on a popular election, will not venture in the intermediate year to take any measures, which are daringly contrary to what he knows to be the sense of his Electors. At least, he must be cast in a peculiar mould of confidence, if he should.

For my own part, I am free to confess, that under a Representation, though not perfectly, yet considerably, equalized, I cannot see danger nor even insecurity in a triennial Parliament; I cannot see the difference between that and an annual one of very great importance. Perhaps under such a reform it were best, on the whole, to take the former, at least for a trial. But were the Representation to continue as it is, the only *succedaneum* for it's reform (and a poor one at best) the only chance to the people not only of maintaining any degree of their respect

in the State, but of escaping the final ruin of their liberties, is in an annual Parliament.

Without short
Parliaments no
amendment of
Representation
can do
good.

Frequency of election is the *fine qua non* of our political Rights and our political wisdom. I must repeat it again, that without this no possible amendment of the Representation can do us good. It is not the choice of the people that can ensure any thing. Let us suppose the Country ever so cautious in the men they elect, yet they cannot change the course of human nature, they can neither divest temptation of it's lure, nor the swerving heart of it's aptitude to embrace it. They may send, perhaps, their Representative pure from their hands, but in a trust extended for several years their hold over his virtue decreases every day; temptation is invited; the sacrifice is in his own hands; and should he think fit to make it, it is but an empty consolation that they have to pass their choice anew in all the amplitude of freedom, when both prevention and remedy are come too late. But it is supposing more, perhaps, than we can ever be warranted to do in most popular elections, that wariness and an attention to the public virtue of the Candidate decide the choice. The issue therefore of our liberties and all our happiness must not be left to our weakness, any more than to the chance of his virtue, without a timely remedy; that if we have been indiscreet, or have placed an improper confidence, his unfitness or his want of integrity may not have the advantage, but may rescue, by the speedy sacrifice of it's own situation, the more precious interests of a whole country.

The principle I have last insisted on is incontrovertible in the soundest policy and in all experience; and laughs at the little objections respecting repeated expence and repeated

peated tumult. Those evils arise from Candidates themselves, and it would be hard that the People should lose their rights for mischiefs created by others, and which possibly the enemies of popular freedom might purposely create. Or supposing these inevitable, is there no other policy than to deprive a whole country of it's rights for accidental inconveniencies? They should be rendered difficult to be practised, and perilous to those that practise them. If former laws have failed in these effects, the argument from the want of them is now annihilated, to every man's mind who is not determined to sacrifice the purity of election to some worse considerations, by the excellent provisions of a Bill proposed last year by a noble Lord* already mentioned; which is so expressly calculated to obviate both the evils above-mentioned in every degree, that, abstracted from the public good of it, it should seem wonderful how it could meet a difficulty of reception in that House, whose fortunes it was calculated, in the first instance, to preserve.

It is possible, that in some remarks which have fallen from me in this chapter, I may not have corresponded exactly with those ideas on the limitation of Parliament, which have been entertained by many sensible and worthy friends of the People, any more than in other parts of this treatise I have favoured the opinions of those, whom I do not think friendly to the Rights of the Country. But if I have written for no *Party* (should the friends of the People be called a *Party*) I have the better claim to what meets very much the feelings of my own mind, an independence of sentiment; and I have only the errors of my judgment to answer for. My own heart

* Lord Mahon.

tells me, that the establishment of what is *true* and *right* in the important questions before me is my only object. And if my views shall have succeeded at all in diffusing persuasion through all classes of public characters, and gaining from thence a more general support of a better Representation and Duration of Parliament, I shall think it sufficient, as a citizen, that I have lived for this ; though, as a private man, I may have displeased many. He that writes to please a *Party* will do no good to his Country ; nor let him ever think of doing good to himself, unless he will bring his mind to become a pander to party views. The wonted effects of engaging habits, the finest feelings of the mind, lose their force here, and become extinguished in the prevalence of a coarser and meaner influence. The attention, the attachment, the friendship, the love, which in all other parts of life beget their like, are brushed away by any departure from the narrowness of a selfish system ; and after the expenditure of a long course of years, will not secure the individual from unkindness at the last.

F I N I S.

